

CURRENT AFFAIRS FOR UPSC

2nd TO 8th May, 2021

DreamIAS



INTERNATIONAL

THE NUCLEAR CHALLENGE

President Joe Biden's call for "stern deterrence" in response to North Korea's nuclear programme and Pyongyang's angry reaction, accusing the Biden administration of being "hostile", suggest that both countries are headed towards a diplomatic showdown. In his first congressional address last week, Mr. Biden said the nuclear programmes of Iran and North Korea posed a "serious threat to America's security and world security" and promised to respond through "diplomacy and stern deterrence". His administration has also completed a review of the U.S.'s North Korea policy. Mr. Biden is likely to steer between Barack Obama's "strategic patience" and Donald Trump's top-level summitry in dealing with the North Korean nuclear challenge. North Korea has remained an unresolved foreign policy puzzle for all post-War American Presidents. In recent times, U.S. Presidents have shown a willingness to diplomatically engage with Pyongyang. The Clinton administration had signed a framework agreement with Pyongyang to halt its nuclear programme. Mr. Obama had initiated talks with North Korea in 2012, which collapsed after Pyongyang launched a satellite. He then adopted a wait-and-watch approach, which came to be called "strategic patience". Mr. Trump altered his predecessor's North Korea policy by reaching out to the regime and meeting its leader, Kim Jong-un, thrice, but without a breakthrough. In theory, the Trump administration and North Korea had agreed to a complete de-nuclearisation of the Korean peninsula, but failed to agree on its formula. In the 2019 Trump-Kim summit at Hanoi, the U.S. proposed removal of sanctions for de-nuclearisation, but North Korea rejected it. Pyongyang had taken a phased approach and sought sanctions removal in return. Ever since, there has been no improvement in ties. After Mr. Biden assumed office, North Korea had conducted short-range missile tests, which the U.S. saw as a provocation. Mr. Biden does not have many good options in dealing with North Korea. The U.S.'s key goal in northeastern Asia is the de-nuclearisation of the Korean peninsula. And the only practical way to achieve this is through diplomacy as a military strike on North Korea, a nuclear power, is out of the question. Though the Trump-Kim summits did not lead to any breakthrough, they have still created a diplomatic momentum for engagement. Despite its threats to expand its nuclear programme, North Korea sticks to the self-imposed moratorium on nuclear and long-range ballistic missile tests. The North, as acknowledged by Mr. Kim recently, is going through a tough economic crisis and is open to talks. Mr. Biden should seize this opportunity and try to reach common ground with Mr. Kim that addresses both North Korea's economic worries and the U.S.'s nuclear concerns. That should be the focus of the Biden administration's new North Korean strategy.

TALKS 'INTENSIFY' ON BRINGING U.S. BACK TO IRAN NUCLEAR DEAL

World powers held a fourth round of high-level talks on Friday aimed at bringing the U.S. back into the nuclear deal with Iran, with both sides signalling a willingness to work out the major stumbling blocks. *The talks began in Austria in early April. Russian delegate Mikhail Ulyanov tweeted following Friday's meeting that "the participants agreed on the need to intensify the process." "The delegations seem to be ready to stay in Vienna as long as necessary to achieve the goal," he wrote.* The U.S. pulled out of the landmark 2015 deal in 2018 after then-President Donald Trump said the pact needed to be renegotiated. *The deal had promised Iran economic incentives in exchange for curbs on its nuclear programme, and the Trump administration reimposed heavy*



sanctions on the Islamic republic in an unsuccessful attempt to bring Tehran into new talks. Iran reacted by steadily increasing its violations of the deal by enriching uranium to a greater purity than permitted. U.S. President Joe Biden says he wants to rejoin the deal, known as the Joint Comprehensive Plan of Action, or JCPOA, but that Iran needs to return to compliance. The pact is meant to prevent Iran from obtaining a nuclear bomb, something the country insists it is not inclined to. Iran insists all sanctions must be lifted before it reverses violations. Delegates to the Vienna talks concede that Iranian nuclear scientists cannot unlearn the knowledge they acquired in the last three years, but it is not clear whether Iran's new centrifuges would need to be destroyed, mothballed and locked away, or simply taken offline. Because the U.S. is currently out of the deal, there were no American representatives at the talks. Iran's Deputy Foreign Minister Abbas Araghchi, said after the meeting that his impression was that all sides were committed to finding a solution.

ISLAMOPHOBIC GROUP PEGIDA IS EXTREMIST: GERMAN SPY AGENCY

German intelligence services said on Friday they would widen their surveillance of Islamophobic protest movement Pegida in its home state of Saxony, as the group had become "extremist" and "anti-constitutional". While Pegida had previously attracted "heterogeneous" support and taken "moderate" positions, it had developed "an increasingly right-wing extremist orientation", Saxony's domestic intelligence agency LfV said. "By regularly offering right-wing extremists a platform to propagate anti-constitutional ideologies, this movement acts as a hinge between extremists and non-extremists," said agency president Dirk-Martin Christian. He added that "all people and activities" within the group would now be put under surveillance, with the exception of those merely taking part in peaceful demonstrations. Pegida, which campaigns against what it calls the "Islamisation of the West", was born in October 2014 with xenophobic marches every Monday evening. Its protests gained momentum during the refugee crisis of 2015, when Germany became deeply polarised over Chancellor Angela Merkel's decision to keep the country's doors open to asylum seekers.

CHINA HALTS ECONOMIC DIALOGUE WITH AUSTRALIA

China on Thursday cut off a channel for diplomatic and trade talks with Australia in a largely symbolic act of fury, following clashes over a wide range of issues, including human rights, espionage and the origins of COVID-19. Tensions between the two sides have soared since Canberra called last year for an independent probe into the origins of the pandemic and banned telecom giant Huawei from building Australia's 5G network. China — Australia's biggest trading partner — has already imposed tariffs or disrupted more than a dozen key industries, including wine, barley and coal, decimating exports. In the latest volley, the China-Australia Strategic Economic Dialogue was pulled "based on the current attitude" of the Australian government, China's National Development and Reform Commission said in a statement on Thursday, blaming some officials of a "Cold War mindset" and "ideological discrimination". Beijing will "indefinitely suspend all activities under the framework" of the agreement, the statement added.

'Disappointing move'

Australia called the decision "disappointing", with Trade Minister Dan Tehan saying the dialogue had provided an important forum for the two countries — though he added that no such talks had



taken place since 2017. *It was not immediately clear if the row would impact on a free-trade agreement between the two that came into effect in 2015. Canberra has previously described the avenue for talks — designed to boost trade between both sides and introduce large Chinese investors — as one of the “premier bilateral economic meetings with China”. It called the first meeting in 2014 a chance for “closer economic ties” but relations between the two have since sunk into deep freeze.*

G7 SEEKS COMMON FRONT ON CHINA

The Group of Seven wealthy democracies on Tuesday discussed how to form a common front towards an increasingly assertive China in the Foreign Ministers’ first in-person talks in two years. Backing U.S. President Joe Biden’s calls for a deeper alliance of democracies, host Britain invited guests, including India, South Korea and Australia, for talks in central London stretched out over three days. After a welcome dinner on Monday focused on the nuclear programmes of Iran and North Korea, the Foreign Ministers opened formal talks at Lancaster House, a West End mansion, welcoming one another with COVID-friendly elbow-bumps and minimal staff. The G7 devoted its first session on Tuesday to China, whose growing military and economic clout and willingness to exert its influence at home and abroad have increasingly unnerved Western democracies. “It is not our purpose to try to contain China or to hold China down,” U.S. Secretary of State Antony Blinken told reporters on Monday. “What we are trying to do is to uphold the international rules-based order that our countries have invested so much in over so many decades to the benefit, I would argue, not just of our own citizens, but of people around the world — including, by the way, China.” Mr. Blinken pledged “robust cooperation” with Britain in pressuring China over the Xinjiang region, where Beijing’s incarceration of one million Uighurs and other Muslims has been labelled genocide by Washington, and over a clampdown against civil rights in Hong Kong.

‘Respect commitments’

British Foreign Secretary Dominic Raab called for “holding Beijing to the commitments that they’ve made”, including on Hong Kong, which was promised a separate system before London handed over the colony in 1997. But in line with the Biden administration, which has shifted the tone if not substance of former President Donald Trump’s hawkish stance on China, Mr. Raab also called for “finding constructive ways to work with China in a sensible and positive manner where that’s possible” — including on climate change. “We want to see China stepping up to the plate and playing its full role,” Mr. Raab said. The nations of the G7 — which also include Canada, France, Germany, Italy and Japan — mostly share concerns about China but some have different approaches. Japan has historic tensions with China but has held off on joining Western nations with sanctions, wary of inflaming relations with its trading partner. Italy has been seen as one of the most Beijing-friendly nations in the West, in 2019 signing up for the Belt and Road Initiative. But Rome joined EU peers in March in summoning the Chinese Ambassador in a row triggered by concerns over treatment of the Uighurs. The Ministers later held a session on the spiralling crisis in Myanmar and were also due to discuss Russia, Libya, Syria, and climate change among other topics.



IN IRELAND'S COMPLEX TROUBLES, LESSONS FOR INDIA (KRISHNAN SRINIVASAN - FORMER FOREIGN SECRETARY)

*The communal clashes of April in Northern Ireland caught the media attention of many countries, but not in India, though the events carry relevant lessons and warnings for this country. Those riots, that left 74 policemen injured, threaten to undermine the fragile peace between Protestant pro-British loyalist unionists who want to remain part of the United Kingdom forever, and Catholic pro-Irish nationalists who wish Northern Ireland to become part of the Republic of Ireland. The riots are the culmination of a complex mix of change, resistance to change, and ingrained political and social inertia. Northern Ireland altered enormously for the better after the signing of the **Anglo-Irish Good Friday Agreement in 1998**, and for the accord to have received strong support across the divided island was a remarkable achievement. **This Agreement began the process of dismantling border controls between the North and the Republic of Ireland, but subsequent developments showed that social issues remained unaddressed: both religious communities 'experienced little or no peace dividend after the Agreement, and poverty and deprivation linked to educational under-achievement and high unemployment affects both nationalist and loyalist areas alike' in Northern Ireland.***

Britain's break from the European Union (Brexit) was always going to *prove a major stress test for Northern Ireland because 56% of its electorate voted to remain in the European Union.* Much of the present anger relates to the specific protocol concerning Northern Ireland, which 'provided for the territory to remain in the customs union and single market of the European Union while protecting its status as part of the United Kingdom'. Nevertheless, the Irish Protestant loyalists argue that the deal puts the union at risk. *The unionist party 'campaigns for Brexit on the basis that a United Kingdom outside the European Union would make a future united Ireland much more difficult to achieve, but the opposite has actually turned out to be true, and a united Irish island is now being discussed in a way that scarcely seemed possible prior' to the Brexit referendum of 2016.* Accordingly, as a recent opinion article says, the Irish Catholic nationalists are talking up the prospects of achieving an early united Ireland and demanding a vote on it, which instils acute anxiety among the union loyalists. In short, Demography has changed since the Good Friday Agreement; no longer do unionist parties have the majority, but political inertia prefers a vacuum, so progress toward an equitable and liveable peace has stalled. The article adds, 'past traumas continue to weigh heavily on current politics in Northern Ireland and that is unlikely to change as the twin challenges of managing the Protocol and preventing communal violence occupy the attention in that territory, Dublin and London in the years to come'.

Scheduled events

*Elections scheduled next year to the 'Northern Ireland Assembly will be followed in 2024 by an important vote on the Northern Ireland Protocol because under the terms of the Brexit agreement, the Assembly will have to vote on whether or not to accept the continuing operation of the Protocol. Should unionists decide to boycott this vote, the legitimacy of the Protocol will be thrown open to question. **The timing of any potential Scottish referendum on independence — also likely to be held around 2024 — may well further destabilise Northern Ireland's fragile politics', says the opinion article** (<https://bit.ly/3eVy5Oo>).*



Peace is an extraordinarily brittle entity, and any functioning democracy must ensure a daily commitment to addressing communal issues with vigilance, tolerance and compromise. These are lessons to be drawn in India. *The recent violence in Northern Ireland shows that every country needs leadership that takes responsibility for peoples' social and economic problems and steers prejudices away from entrenched phobias. The ruling party in India needs to be aware that creating religious tensions between communities has incalculable deep-seated negative consequences that will severely damage every section of society and all our established political and national institutions.*

GERMAN PHILOSOPHER REFUSES UAE PRIZE

The board of trustees of a high-priced literary award from the United Arab Emirates expressed regret on Monday that prominent German philosopher Juergen Habermas had turned down the prize, reversing his earlier decision. *The 91-year-old German, considered his country's most eminent contemporary philosopher, announced earlier this week that he would not accept the Sheikh Zayed Book Award over its ties "with the existing political system" in the UAE, a hereditarily ruled country long criticised for its suppression of dissent. While describing itself as an "independent" initiative, the prize is administered by Abu Dhabi culture and tourism authorities. Mr. Habermas' influential writings on human rights, morality and democracy, among other topics, have stirred debate in Germany and beyond. On its website, the board of the literary award, among the most well-funded in the region, said it "expresses regret" for Habermas' decision "but respects it." The prize, it added, "embodies the values of tolerance, knowledge and creativity while building bridges between cultures, and will continue to fulfil this mission." Mr. Habermas was named the Cultural Personality of the Year, a distinction that carries a cash prize of 1 million dirhams.* The award is named after Sheikh Zayed bin Sultan Al Nahyan, the first president of the UAE when the federation of seven sheikhdoms became a country in 1971.

ASSAD TO FACE TWO 'RIVALS' IN MAY VOTE

A Syrian Former Minister and a member of the Opposition will face Bashar al-Assad in this month's presidential election, the constitutional court said on Monday. The Assad-appointed body approved only three out of 51 applications to stand in the May 26 ballot, among them the 55-year-old president himself, widely expected to win a fourth mandate. The court's president said in a press conference broadcast on state TV that *Abdallah Salloum Abdallah, a State Minister from 2016 to 2020, had been approved to run for President. The third candidate was named as Mahmoud Marei, a member of the so-called "tolerated opposition" long described by exiled opposition leaders as an extension of the regime. All 48 other applications were ruled out for "failing to meet constitutional and legal requirements", the court president said without elaborating. They have until May 7 to appeal. Applicants needed to garner support from at least 35 Members of Parliament, each of whom is only allowed to back one candidate. Exiled opposition members are de facto ruled out by an electoral law that stipulates candidates must have lived in Syria continuously for at least the past decade. The election will be the second since the start of a decade-long conflict that has killed over 3,88,000 people and forced more than half of Syria's pre-war population from their homes. Damascus has invited lawmakers from allied countries such Russia, Iran, China, Venezuela and Cuba to observe the electoral process.*



West rejects 'outcome'

Western members of the UNSC, *led by the U.S., France and Britain, rejected the outcome of the May 26 poll in advance, a position denounced by Russia as "unacceptable". Mr. Assad, who has already been in power for 21 years, was elected by referendum in 2000 and 2007. For the first multi-candidate poll in 2014, only two candidates besides Mr. Assad, out of 24 applicants, were allowed to run.*

THE LAST JEW IN AFGHANISTAN

He withstood a communist revolution, the Soviet intervention, the mujahideen civil war, the Taliban takeover and the American invasion. When all of his friends and family left Afghanistan as the country fell from one crisis to another, he stayed. But now, with the U.S. troops withdrawing from Afghanistan and the fear of the Taliban's second coming rising, Zabulon Simentov, Afghanistan's one-man Jewish community, is preparing to leave the country for Israel. "After our important festivals [Rosh Hashanah and Yom Kippur in September], I will leave Afghanistan," he told Radio Free Afghanistan recently. "If the Taliban return, they are going to push us out with a slap in the face." Born in the 1950s in Herat when Afghanistan was ruled by King Mohammed Zahir Shah, Mr. Simentov's story is that of persecution, exodus and patriotism. A carpet merchant who had served in the Afghan army, Mr. Simentov left the country briefly in the 1990s when the country was gripped by sectarian violence, but returned against all advice from friends and family. His wife, two daughters and sisters all live in Israel. In 2013, when he was asked by a journalist if he wanted to go to Israel, he said, "What do I want in Israel? This is my home. This is where I belong." For nearly 16 years, he has been the only known Jew in Afghanistan. He lived alone in Kabul's Flower Street, next to the city's lone synagogue. He read Torah alone from the pulpit of the synagogue. And he made his own kosher meat. The tale of Jews in Afghanistan is one of the many tragedies of the country. Afghanistan's links with Judaism go back in at least 1,500 years. One of the legends about the origins of the Pashtuns, the dominant ethnic group in the country, is that they were the offspring of a lost tribe of Israel. The country had some 40,000-strong Jewish community in the mid-20th century, mostly in Herat, Mr. Simentov's home region. When Israel was created in 1948, many Jews left Afghanistan. The exodus continued in the 1980s, following the 1979 Soviet intervention. Most of the remaining Jewish families left the country during the mujahideen fighting. By the early 1990s, when the communist government of Mohammed Najibullah was battling for its survival, there were hardly 15 Jews left in Kabul. They would also leave during the civil war that followed the fall of Najibullah.

Two-men community

During the Taliban regime, two men made up the country's Jewish community — Mr. Simentov and Isaac Levy. They lived in the synagogue compound in Kabul, but hardly got along. They accused each other of violating the tenets of Judaism. Levy said Mr. Simentov was trying to send him off to Israel so that he could take over the synagogue. Mr. Simentov said he was concerned about Levy's health. Their infighting caused a headache even for the Taliban's anti-minority regime. Levy died in 2005. And since then, Mr. Simentov and the synagogue have been the last vestiges of Judaism in Afghanistan. If he leaves for Israel later this year, the synagogue would likely be closed. He lost the synagogue's most important possession, a 15th century Torah, when the Taliban were in power. He blamed the Taliban for the loss. The Taliban's 1996-2001 rule was infamous for the persecution of

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religious minorities and women. Many of them, especially Hindus and Sikhs, fled to India. After the fall of the Taliban, Afghanistan adopted a Constitution that offered equal rights and protection to the minorities. But the situation on the ground remained grim, and with the rise of the Islamic State in Afghanistan that targets minorities and the prospect of the return of the Taliban, many started fleeing the country in recent months. “Peace talks are making people worried that if the Taliban come and if they behave the same as they used to during their regime then people will be worried,” Mr. Simentov said in 2019. His fears are coming true. The U.S. signed an agreement with the Taliban in February 2020 as part of which American troops were scheduled to leave Afghanistan by May 1. President Joe Biden delayed the pullout to September 11. *And after September, many fear that the Taliban could make rapid advances on the battleground. Mr. Simentov is not staying back to see that. “I will watch on TV in Israel to find out what will happen in Afghanistan,” he says.*

AUSTRALIA IMPOSES TRAVEL BAN ON EVEN ITS OWN CITIZENS

Australian citizens could face a five-year jail term or hefty fines of up to 66,000 Australian dollars if they try to return home from India after Canberra made the journey temporarily illegal in an effort to curb the spread of the deadly viral infection in this country. The temporary ban begins on Monday and applies to any travellers who have visited India within 14 days of their intended arrival date in Australia. *There are an estimated 9,000 Australians in India and over 600 of them are classified as vulnerable, according to The Sydney Morning Herald newspaper.* The decision was announced by the Australian Health Ministry on Friday after a meeting of the National Cabinet. *The move aims at keeping the coronavirus spread in check in Australia as India is facing a surge in cases. The decision was based on the proportion of overseas travellers in quarantine in Australia, who have contracted the infection in India, Health Minister Greg Hunt said. The move was due to an “unmanageable” number of arrivals from the country who have tested positive to COVID-19, he was quoted as saying by the state-run Australian Broadcasting Corporation (ABC). “Failure to comply with an emergency determination under the Biosecurity Act, 2015 may incur a civil penalty of 300 penalty units, five years’ imprisonment or both,” the Health Ministry said in a statement.* Australia’s borders have been closed since March last year and, this week, the government clamped down even further, banning all flights. *According to the ABC, it is for the first time that Australia has made it a criminal offence for its own citizens to enter the country.*

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NATION

MARATHA QUOTA UNCONSTITUTIONAL, VIOLATES RIGHT TO EQUALITY, SAYS SC

A five-judge Constitution Bench of the Supreme Court on Wednesday unanimously declared a Maharashtra law, which provides reservation benefits to the Maratha community taking the quota limit in the State in excess of 50%, unconstitutional. The Bench, led by Justice Ashok Bhushan, found there was no “exceptional circumstances” or “extraordinary situation” in Maharashtra, which required the State government to break the 50% ceiling limit to bestow quota benefits on the Maratha community. “We have found that no extraordinary circumstances were made out in granting separate reservation for Maratha community by exceeding the 50% ceiling limit of reservation... The Marathas are in the mainstream of the national life. It is not even disputed that Marathas are a politically dominant caste,” Justice Bhushan, who authored the lead opinion on the point of the validity of the Maratha law, noted.

Sets aside HC verdict

The Supreme Court struck down the findings of the Justice M.G. Gaikwad Commission, which led to the enactment of the Maratha quota law, and set aside the Bombay High Court judgment which validated the Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act of 2018. The High Court, in June 2019, reduced the quantum of reservation for Marathas from the 16% recommended by the Gaikwad Commission to 12% in education and 13% in employment. The Supreme Court concluded that even the reduced percentages were ultra vires. *In fact, the Supreme Court held that a separate reservation for the Maratha community violated Articles 14 (right to equality) and 21 (due process of law). Most important, the top court declined to revisit its 1992 Indra Sawhney judgment, which fixed the reservation limit at 50%. “The judgment of Indra Sawhney has stood the test of time and has never been doubted by any judgment of this court,” Justice Bhushan wrote. “The ceiling of 50% with the ‘extraordinary circumstances’ exception, is the just balance — what is termed as the ‘Goldilocks solution’ — i.e. the solution containing the right balance that allows the State sufficient latitude to ensure meaningful affirmative action to those who deserve it and at the same time ensures that the essential content of equality,”* Justice S. Ravindra Bhat on the Bench agreed. In 1992, a nine-judge Bench of the court had drawn the “Lakshman rekha” for reservation in jobs and education at 50%, except in “extraordinary circumstances.” However, over the years, several States like Maharashtra and Tamil Nadu have crossed the rubicon and passed laws, which allow reservation shooting over 60%. The judgment would have an impact on the reservation dynamics in these States which have crossed the 50% ceiling limit. The Indira Sawhney judgment had categorically said “50% shall be the rule, only in certain exceptional and extraordinary situations for bringing far-flung and remote areas population into mainstream said 50% rule can be relaxed.” Justice Bhushan, in the lead opinion on the Maratha law, said that appointments made under it following the Bombay High Court judgment endorsing the State law would hold, but they would get no further benefits. Students already admitted under the Maratha quota law would continue. Students admitted to postgraduate courses would not be affected since they were not given reservation.



READING SUPREME COURT'S MARATHA QUOTA VERDICT

A five-judge Constitution Bench of the Supreme Court on Wednesday struck down the Maharashtra law granting reservation to the Maratha community in admissions and government jobs in the state. The court had framed six questions of law on the issue; it unanimously agreed on three of those issues, while the verdict was split 3:2 on the other three.

Issue 1: On revisiting the Indra Sawhney ruling

One of the key issues before the court was to examine whether the 1992 landmark ruling in Indra Sawhney v Union of India had to be revisited. The ruling by a nine-judge Bench, in which the Mandal Commission report was upheld, laid down two important precedents. First, it said that the criteria for a group to qualify for reservation is "social and educational backwardness". Second, it reiterated the 50% limit to vertical quotas reasoning that it was needed to ensure "efficiency" in administration. However, the court said that this 50% limit will apply unless in "exceptional circumstances." The Maratha quota exceeded the 50% ceiling. The arguments by state governments before the court was that the Indra Sawhney verdict must be referred to a 11-judge Bench for reconsideration since it laid down an arbitrary ceiling which the Constitution does not envisage. Additionally, in some judgements subsequent to Indra Sawhney, the Supreme Court itself had made exceptions to this rule. In a unanimous opinion on Wednesday, the court held that there is no need to revisit the case. The court said that the 50% ceiling, although an arbitrary determination by the court in 1992, is now constitutionally recognised.

Issues 2&3: On whether the Maratha law can be saved under the exception

Since the 50% ceiling is held valid, the court looked into whether the Maratha quota law falls under the exceptional circumstances contemplated by Constitution Bench in Indra Sawhney's case. The court also looked into the Maharashtra State Backward Commission report that the Maharashtra government had relied on to see if a case can be made out for exceptional circumstances. *The state government's argument was that since the population of backward class is 85% and reservation limit is only 50%, an increase in reservation limit would qualify as an extraordinary circumstance. All five judges disagreed with this argument. "The Marathas are dominant forward class and are in the main stream of National life. The above situation is not an extra-ordinary," Justice Ashok Bhushan and Justice Abdul Nazeer held. Their view was accepted by the remaining three judges — Justice Nageswara Rao, Justice Hemant Gupta and Justice Ravindra Bhat.*

Issues 4, 5 & 6: On state's power to identify SEBCs, and 102nd Amendment

The Constitution (One Hundred and Second Amendment) Act, 2018 gives constitutional status to the National Backward Classes Commission. The Amendment also gives the President powers to notify backward classes. Several states raised questions on the interpretation of the Amendment and argued that it curtails their powers. The Bench unanimously upheld the constitutional validity of the 102nd Amendment but differed on the question whether it affected the power of states to identify socially and economically backward classes (SEBCs). Attorney General K K Venugopal, appearing for the central government, clarified that this was not the intention of the law. He argued "that it is inconceivable that no State shall have power to identify backward class", and explained that the



state government will have their separate list of SEBCs for providing reservation in state government jobs and education, whereas Parliament will only make the central list of SEBCs which would apply for central government jobs. However, the Supreme Court held that “the final say in regard to inclusion or exclusion (or modification of lists) of SEBCs is firstly with the President, and thereafter, in case of modification or exclusion from the lists initially published, with the Parliament”. “In the task of identification of SEBCs, the President shall be guided by the Commission set up under Article 338B; its advice shall also be sought by the state in regard to policies that might be framed by it. If the commission prepares a report concerning matters of identification, such a report has to be shared with the state government, which is bound to deal with it, in accordance with provisions of Article 338B. However, the final determination culminates in the exercise undertaken by the President,” Justice Bhat held. This interpretative reading was preferred by Justice Bhat in his separate opinion, which was concurred by Justice Rao and Justice Gupta. Justice Bhushan and Justice Nazeer, however, preferred a textual reading of the Amendment and said it does not take away the state’s powers to identify SEBCs. The majority opinion on this aspect by Justice Bhat also said that while the identification of SEBCs will be done centrally, state governments retain power to determine the extent of reservation and make specific policy in the spirit of “cooperative federalism”. This raises a question: How does this impact interventions by other states to provide reservations for other communities, for example Jats in Haryana and Kapus in Andhra? *The majority opinion by Justice Bhat essentially says that now the National Backward Classes Commission must publish a fresh list of SEBCs, both for states and the central list. “The Commission set up under Article 338B shall conclude its task expeditiously, and make its recommendations after considering which, the President shall expeditiously publish the notification containing the list of SEBCs in relation to states and union territories, for the purpose of the Constitution. “(vii) Till the publication of the notification mentioned in direction (vi), the existing lists operating in all states and union territories, and for the purposes of the Central Government and central institutions, continue to operate. This direction is issued under Article 142 of the Constitution of India,” Justice Bhat held.*

CENTRE ALONE CAN IDENTIFY SEBC

The Centre alone is empowered to identify Socially and Educationally Backward Classes (SEBC) and include them in the Central List for claiming reservation benefits. “The President (that is the Central government) alone, to the exclusion of all other authorities, is empowered to identify SEBCs and include them in a list to be published under Article 342A (1), which shall be deemed to include SEBCs in relation to each State and Union Territory for the purposes of the Constitution,” Justice S. Ravindra Bhat, whose opinion was concurred by Justices L. Nageswara Rao and Hemant Gupta on the five-judge Bench, held. Justice Bhat said the States could only make suggestions to the President or the statutory commissions concerned for inclusion, exclusion or modification of castes and communities to be included in the List. The Central List is to be the “only list” for the SEBC. “Once published, under Article 342A (1), the list can only be amended through a law enacted by Parliament, by virtue of Article 342A (2),” Justice Bhat said. “In the task of identification of SEBCs, the President shall be guided by the Commission (National Commission for Backward Classes) set up under Article 338B; its advice shall also be sought by the State in regard to policies that might be framed by it,” the court said. “If the commission prepares a report concerning matters of identification, such a report has to be shared with the State government, which is bound to deal with it, in accordance with provisions of Article 338B. However, the final determination

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culminates in the exercise undertaken by the President (i.e. the Central Government, under Article 342A (1),” the court clarified. However, “the President’s prerogative as far as the identification and inclusion of SEBCs in the List would not affect the States’ power to make reservations in favour of particular communities or castes, the quantum of reservations, the nature of benefits and the kind of reservations, and all other matters falling within the ambit of Articles 15 and 16”.

MADRAS HC CENSURE ON COVID POLLS: DISSENTING EC WAS KEEN TO PUT VIEWS IN AFFIDAVIT, DENIED

So sharp was the difference in opinion between the two Election Commissioners over the response to the censure by the Madras High Court that the dissenting EC wanted to put his views on record in a separate affidavit, The Indian Express has learned. However, the Election Commission rejected his suggestion and didn't file his affidavit with the Madras High Court. The dissenting EC's subsequent request to attach his separate affidavit to the Special Leave Petition (SLP) filed in the Supreme Court against the Madras High Court's “murder-charges” remark was also ignored. The Indian Express had first reported Wednesday that the poll panel's plea in the Madras High Court to gag the media from reporting oral observations of judges and its SLP in the top court were not unanimously approved by the Commission. One of the commissioners, it is learned, did not entirely agree with the affidavit's contents in Madras HC and the SLP in the SC. Reacting to the report on Wednesday, the EC issued a statement that the “Commission always has appropriate deliberations before any decisions are taken.” After Sunil Arora's retirement as Chief Election Commissioner (CEC) on April 12, the three-member Commission has Sushil Chandra as CEC and Rajiv Kumar as Election Commissioner. The position of the third commissioner is vacant. *According to Section 10 of The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, all business of the EC “shall, as far as possible, be transacted unanimously”. This provision states that in case the “Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority”. However, the law is ambiguous on who will prevail in case of difference of opinion when there are only two commissioners in the EC as is the case now.* Hence, it's not clear if the affidavit and SLP approved by only one of the two ECs can be taken to represent the view of the commission or not.

Hearing the matter Monday, the apex court said that the observations made by judges while hearing cases are in the “larger public interest” and the media cannot be stopped from reporting them. *Justice M R Shah remarked that “sometimes when something is observed, it is for the larger public interest. They (judges) are also human beings. Sometimes they are frustrated, angered.” Asking the Commission to take it in the “right spirit”, he added that “your subsequent decisions after the remarks, matter”.* The SC's order in this matter is expected Thursday. On Wednesday, the EC said it is “sincerely committed to its faith in free media.” “The Commission as a whole and each one of its members recognise the positive role played by media in the conduct of all elections in the past and present and in strengthening electoral democracy in the country. The Election Commission was unanimous that before Hon'ble Supreme Court there should not be any prayer for restriction on media reporting,” the poll panel said.



EC DIMINISHED

Any list of winners and losers in the just-concluded round of assembly elections will have to include in the category of losers a non-combatant who is, in fact, the referee: The Election Commission of India. A constitutional body that draws its mandate to conduct free and fair elections from Article 324, and has built for itself an enviable reputation for impartiality and a formidable cache of public trust, the EC has appeared all too pliable to political pressures amid a pandemic. In the poll aftermath, it continues to let itself down. By approaching the Supreme Court with a special leave petition against the oral and sharply critical observations by the Madras High Court about its superintendence of elections — the HC said, as a lament, that perhaps it should face “murder charges” — by complaining that they are “uncalled for, blatantly disparaging and derogatory” and then suggesting that “a line is drawn” so that they are not reported by the media, the EC shows unbecoming prickliness, and worse. It shows disregard for an open and democratic public sphere, in which, as the Supreme Court rightly pointed out, it is important for constitutional bodies to take criticism from other constitutional bodies in the “right spirit”. And in which the people have a right to know, and therefore the media has a duty to report, “the unfolding of debate in the court of law”, not just its final verdict. Now that the elections are over, instead of running to court and protesting too much, the EC would do well to take a moment of pause and do an honest reckoning. It has invited serious questions from the beginning of the poll exercise. Its *eight-phase schedule* for the West Bengal polls seemed overlong, especially amid a pandemic, and the *demarcation of phases and geographies appeared to favour the party that rules the Centre, the BJP*. While elections were on, the EC made only desultory attempts to ensure that COVID protocols were followed by candidates and parties. As the COVID curve climbed steeply in West Bengal as in India — India crossed a daily case load of 1 lakh on April 4, and that number vaulted to over 3 lakh daily cases in a matter of days, registering 3,32,730 on April 22 — the EC ignored pleas by non-BJP parties to curtail the election by clubbing together its last few phases. *It was only when Prime Minister Narendra Modi announced cancellation of his election meetings scheduled for the next day to supervise the response to COVID’s second wave on April 22 that the EC, an hour later, in suspiciously me-too fashion, banned road shows and public meetings of over 500*. Trust in institutions, once earned, must then be maintained. That takes constant vigilance and work. The EC must know that the impression is growing of late that it has let itself go. *In a time when a strong executive does not hesitate to weaponize its mandate, the independence of monitorial institutions is especially precious, and needed*. The EC needs to act to retrieve and restore its hard-earned credibility. It should begin by withdrawing its self-indulgent and ill-conceived petition from the Supreme Court.

CLEAR MESSAGE FROM SUPREME COURT

A series of decisions within a week since Justice N.V. Ramana took over as the 48th Chief Justice of India shows a rejuvenation happening within the Supreme Court in its role as the guardian of rights of ordinary people. The court has not flinched while ordering a reluctant Uttar Pradesh government to *shift journalist Siddique Kappan to Delhi for medical treatment*. It has *talked straight and true to the Centre about the lapses in managing a devastating second COVID-19 wave* that has cost precious lives, especially in the national capital. The court has also *decided to revisit the legality of the law of sedition*. The intervention would bring into spotlight the use of sedition as a



tool to incarcerate activists, lawyers, students and journalists who voice their dissent against the government. *The court's decision to relook the Section comes hardly three months after it had rejected a similar plea filed by some lawyers.* In Mr. Kappan's case, a three-judge Bench led by Chief Justice Ramana brushed aside Uttar Pradesh government's submission that he did not require any special treatment. The Bench held that "the most precious fundamental 'right to life' unconditionally embraces even an undertrial". The Bench went on to author a detailed order and put on record how the earlier medical reports on Mr. Kappan submitted by the Uttar Pradesh government revealed that he had "multiple health issues like diabetes, heart ailment, blood pressure and bodily injury". "However, the next set of medical reports and additional affidavit circulated by the State this morning show that he has tested COVID-19 negative..." the CJ Bench laid bare the facts. *Chief Justice Ramana, days before his swearing in on April 24, had sent a clear message in a public address that the legal community was obliged to protect the vulnerable sections of society from human rights atrocities perpetrated by the State or any anti-social elements.* The suo motu hearings in 'In re: distribution of essential supplies and services during COVID-19' before Justice Sharad A. Bobde had begun by drawing criticism. Senior lawyers went public to say that the Supreme Court's intervention may interfere with the efforts of various High Courts. *Following Justice Bobde's exit, the suo motu case went to a new Bench led by Justice D.Y. Chandrachud. The court immediately set the record straight by saying that it did not want to interfere with the High Courts' work, but wanted to supplement it.* The following days saw the court put the Centre on a clock. *Most important, the Bench warned States of contempt if they tried to punish people for airing grievances.* The court also made it clear to a "hurt" Election Commission that it would not stop the media from reporting judges' oral remarks.

WHEN DOES TWITTER PERMANENTLY SUSPEND AN ACCOUNT, LIKE IT HAS DONE WITH KANGANA RANAUT?

Twitter has 'permanently suspended' Bollywood actor Kangana Ranaut's account after she tweeted about the post-poll violence in Bengal and tweeted what appeared like a call to violence. In a statement, the company said, "We've been clear that we will take strong enforcement action on behaviour that has the potential to lead to offline harm. The referenced account has been permanently suspended for repeated violations of Twitter Rules specifically our Hateful Conduct policy and Abusive Behaviour policy. We enforce the Twitter Rules judiciously and impartially for everyone on our service." *It should be noted that Twitter has previously permanently suspended the account of former US President Donald Trump for his tweets when rioting took place at the US Capitol.* But when does Twitter 'permanently suspend' an account? We take a quick look at Twitter's policies on the subject.

'Permanent Suspension'

According to Twitter's policy page, this is the company's "most severe enforcement action." Not only is the account removed from global view, the violator is not "be allowed to create new accounts." This means that *Kangana cannot return to the platform with a new account.* Twitter says when it decides to permanently suspend an account they will notify the user about the abuse violations. They also "explain which policy or policies they have violated and which content was in violation."



But can Kangana appeal against this suspension?

Yes, Twitter does let violators appeal 'permanent suspensions' given it is the harshest punishment. According to Twitter's support page, those whose accounts have been impacted can file an appeal "through the platform interface or by filing a report." If the suspension is found valid on appeal, then Twitter will respond to the "appeal with information on the policy that the account has violated," according to its support page.

What other actions could Twitter have taken against Kangana's account?

Typically abusive tweets can be hidden for a particular country or Twitter can even reduce their reach. But with Kangana, it chose to do more. *Twitter could have placed the account in a read-only mode, but this applies only to 'otherwise healthy accounts' which appear to be in the middle of an abusive episode. In such cases, Twitter can limit the account's ability to tweet, retweet or link content. The person can however, use direct messages, when an account is placed in this mode.* "The duration of this enforcement action can range from 12 hours to 7 days, depending on the nature of the violation," according to the support page. Sometimes Twitter will ask for owners to verify the account to ensure that violators "do not abuse anonymity" on the platform to harass others. In this case, Twitter might demand a phone number or email address to verify ownership. Twitter says this can help them in identifying "violators who are operating multiple accounts for abusive purposes and take action on such accounts." But in Kangana's case it appears that she was repeatedly warned by the platform over her tweets. Plus hers was a verified account with over 3 million followers, and not an anonymous troll account. Given the repeated warnings, it appears that the latest tweet was a final straw, which pushed Twitter to take its harshest decision with regard to her account.

CLEAR AND DISTINCT

Elections present an opportunity for political change, but voters at times prefer the familiar comfort of continuity and reward performance over promise. *Assam, West Bengal and Kerala have voted for the incumbents, while Tamil Nadu and Puducherry have voted for change.* There is no one theme that can explain how the voters responded to the myriad political choices before them. Parties with strong and visible leadership might have the same appeal as leaders that show empathy for their daily struggles. *While Hindutva nationalism won Assam for the BJP, in West Bengal, Tamil Nadu and Kerala, its limits became apparent.* In fact, *M.K. Stalin in Tamil Nadu, and Pinarayi Vijayan in Kerala, both known critics of Prime Minister Narendra Modi, offered an ideological alternative to the politics of the BJP although it was not a direct contender for power directly in either State.* In contrast, the Congress's efforts to arrest its slide and gather its wits did not yield much. The results have exposed more chinks in its armour, while regional parties offered robust resistance to the BJP. In West Bengal, Mamata Banerjee mobilised Bengali sub-nationalism that stopped the rampaging march of Hindutva at the borders, at least for now. This was the first serious bid of the BJP for power in Bengal. Though it fell far short of its boasts, the BJP's rise is remarkable — from three seats in 2016 to 81 now. With the Left and the Congress nearly obliterated, the BJP is now a force to reckon with in the State. But what got it so far may not necessarily take it any further. In fact, *the popular reaction against the BJP's crude communalism and deployment of its workers from other States was so intense that people left aside all their complaints against the incumbent Trinamool Congress government.* The *BJP's strategy for West*

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Bengal has been costly in terms of public health, institutional credibility, social harmony and even bilateral ties with a friendly neighbouring country, Bangladesh. Though the BJP lost, the damage caused by its maximalist campaign cannot be easily undone. The State is staring at an explosion in COVID-19 infections, and Ms. Banerjee has her task cut out, entering into her third term as Chief Minister. She must take serious note of the public resentment against her party rather than read this victory as public approval of its high-handedness and corruption. The style and substance of the Trinamool's politics and governance must change for the better. In Assam, the BJP reaped the benefits of its government's proactive measures to provide relief to people badly impacted by the lockdown last year, and of a slew of welfare schemes. *While the Congress-AIUDF partnership failed to live up to its promise, the BJP inflamed communal passions by suggesting that AIUDF leader Badruddin Ajmal could become Chief Minister if the alliance won.* As the party's key strategist in the victory, Finance Minister Himanta Biswa Sarma will likely make a claim for the top post, and the BJP will have an internal power tussle to handle. *Mr. Stalin led the DMK to power in Tamil Nadu after a hiatus of 10 years. With his son also now an MLA, Mr. Stalin has taken full control of the DMK.* His victory is not aided by any strident public resentment against the AIADMK government, and therefore can be considered a positive verdict in his favour. Moreover, the results also prove the resilience of Dravidian politics, modified to new challenges. Now in the Opposition, and its leadership still in a flux, the AIADMK will have to adapt to survive. There are other aspirants at play, and outgoing Chief Minister Edappadi K. Palaniswami might have to again beat off challenges from within the party to his leadership. *In Kerala, the second consecutive victory of the Left Democratic Front led by the CPI(M) marks a departure from the anti-incumbency verdicts since the 1980s.* For Chief Minister Pinarayi Vijayan, the Congress, rendered aimless by its antediluvian leaders, was easy prey. But Mr. Vijayan also retained his support base through a mixture of political acumen and administrative measures. *Having managed two floods and the pandemic with considerable efficiency, he also made some daring moves in social engineering that will continue to ripple.* All that paid rich dividends for him, but the path ahead is going to be tougher as Kerala faces a fresh surge in COVID-19 infections. Finances are also challenging for the State. Mr. Vijayan's complete command over the party has eclipsed other leaders, a situation that can turn out to be a crisis in the future. These results also hold some messages for national politics. *For the Congress and its leader Rahul Gandhi, this is a grim reminder that they have no viable politics at the moment.* Mr. Gandhi spent a disproportionate amount of time and energy in Kerala. That turned out to be a counterproductive strategy. The party lost Kerala and Assam, the two States it had a chance to win. Mr. Gandhi has to rethink his freelancing, footloose politics. For the BJP and its leaders, Mr. Modi and Home Minister Amit Shah, these results must be sobering. *In Kerala, the party scored nil, losing the lone seat it won in 2016; in Tamil Nadu, it might even have damaged the prospects of ally AIADMK.* The notion that there can be a nationalist straitjacket into which the diversity of India will fit is irresponsible. They must consider a softer pursuit of power. The Left tasted historic victory in Kerala but faces extinction in Bengal. *Experiments in exclusive Muslim politics are not worthwhile, the results show. The Indian Secular Front, founded by a cleric in West Bengal hardly had any impact; in Assam, the AIUDF and Congress appear to have failed to aggregate their individual tallies of 2016.* The BJP might have lost more than it won, but Sunday's verdicts are no indication that a national-level alternative to it is in the making. That is still some distance away in time and effort.



WHAT UP PANCHAYAT ELECTION RESULTS MEAN FOR BJP AND OPPOSITION

The Uttar Pradesh panchayat elections have been decided after three days of counting. In the absence of official party symbols, it is not possible to determine the exact number of winners for any party. However, Samajwadi Party leaders are claiming that they have defeated the BJP and are projecting this as a trend ahead of next year's Assembly polls.

The Panchayati Raj system

The system consists of three tiers. At the first tier are gram panchayats; UP has 58,176. Voters of each *gram panchayat* elect one gram pradhan along with gram panchayat ward members — a total of 7.32 lakh posts. At the second tier are *kshetra panchayats*, which are at the level of development block. UP has 826 kshetra panchayats, an average 8-10 per district. Each kshetra panchayat has an average 80-90 wards under it; the total is 75,852 in Uttar Pradesh. These ward members, too, are elected directly. The third tier comprises *zila panchayats*, at the level of districts. UP therefore has 75 zila panchayats, which are divided into a total of 3,050 wards. Members of these wards, too, are directly elected. The heads of the 826 kshetra panchayats (called block pramukhs locally) and the 75 zila panchayats (zila panchayat chairpersons) are elected indirectly, by ward members of kshetra panchayats and zila panchayats under their respective jurisdictions.

The polls and results

It was a massive election among just under 13 lakh candidates for some 8 lakh posts, including 3,050 zila panchayat wards, over 75,000 kshetra panchayat wards and over 7 lakh gram panchayat wards. Candidates do not contest on party symbols. But this time, the state BJP for the first time declared a list of candidates for the 3,050 zila panchayat ward member seats. It claims candidates it backed have won over 900 seats, which means BJP-backed candidates have lost more than 2,000 seats. The SP claims it has won over 1000 seats. The BSP is said to have won close to 300 seats, and Congress and AAP close to 70 each. The biggest victory, however, has been of independent candidates, who were not supported by any party, but whose votes will be crucial in the indirect elections of the top posts.

STATE OF DISTRUST

The Jammu and Kashmir administration's recent order aimed at the dismissal of government employees who apparently pose a security threat, is not just draconian in itself, it also contradicts claims by the top leadership of the country that "terrorism has ended" and the people of Kashmir are now fully integrated with the rest of the country. *Under the order, a Special Task Force will engage with members of a Terror Monitoring Group to compile a list of employees to sack, and recommend these employees to a committee for dismissal.* That this being done under existing Constitutional provisions — Article 311(2)(c) — does not make it any nobler. *Article 311 of the Constitution lays out the conditions under which a government employee can be dismissed from service. While clause 2 provides that this shall be preceded by an inquiry in which the person will be given a reasonable opportunity to present his side of the story, sub section (c) provides that an inquiry can be waived by the President or the Governor. In other words, summary dismissal.* Even accepting the argument that this is being done because of the security threat posed by such an employee, it is most arbitrary, and highly likely to be misused. The security threat ground is troubling. *The*

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setting up of a STF seems to suggest that a number of government employees are terrorist sympathisers. What is the definition of security threat? If there are really so many bad apples, then the government has not told the nation of the scale of the problem in Kashmir. If the issue is that a section of employees is politically separatist-minded, ejecting them from government service may not solve the problem. Plus there is no guarantee that those who replace them would not have similar views. Is the administration going to turn into a thought police? Through this order, the J&K administration has made an unwitting admission — the place has been dressed up with bonsai Assemblies in each district, namely directly elected District Development Councils, and the tulips are in full bloom, but the task of winning over the people remains. The more the government uses the stick to “discipline”, the less it is going to succeed in persuading people to think what it wants them to. It is not without reason that the most successful nation-states today are democracies. When people are free to hold a political view of their choice and have the freedom to express it, even when such views seem to go against the interests of the state, they make for better integrated citizens.

SOREN’S REMARK TRIGGERS A ROW

Jharkhand Chief Minister Hemant Soren’s tweet about the PM triggered a controversy, with the Opposition terming it a spontaneous outburst, and the BJP calling it a political stunt. “Today the respected Prime Minister called. He only spoke his ‘Mann Ki Baat’. It would have been better if he had talked business and listened about the issues,” Mr. Soren tweeted. Sources close to Mr. Soren said the Chief Minister reflected what the general public thought about the deteriorating COVID-19 pandemic and the government’s failure to protect lives. However, according to political observers, Mr. Soren was upset over the continued neglect of Jharkhand. At the onset of the second wave of pandemic, Mr. Soren requested Mr. Modi for availing of the services of doctors and paramedics of the Central paramilitary force deployed in Jharkhand. However, the professionals were yet to be made available to the Jharkhand government. In vaccine distribution also, the mineral-rich State claimed it was being treated unfairly. Former Jharkhand CM Raghubar Das said Mr. Soren should respect the decorum of the post.

YEAR LATER, ONE NATION, ONE RATION OFF TO SLOW START

AROUND ONE month ago, Anuj Kumar, a brick kiln worker in Gujarat’s Sathara, heard from a local NGO worker that the government had started a new scheme – *One Nation, One Ration Card (ONORC)*. “*The purvata mamlatdar [provisions official] asked me to link my Aadhaar*, which I did. Still, nothing came of it. Yeh sab kehne ki baat hai (They just say such things). Us poor, we never get anything,” he said. A native of Uttar Pradesh’s Shahjahanpur, Kumar was preparing for a 25-hour bus ride to his hometown with his family of 10 in fear of a lockdown. *In Rajasthan’s Bhilwara, a brick kiln trade union wrote to the district logistics officer on March 9, stating that 20,000 migrant workers in about 200 factories were unable to receive rations under the ONORC, despite a month passing since the state government’s announcement that the scheme had been implemented.* Premchand, a worker from Chitrakoot in Uttar Pradesh who had tried to avail the scheme, said he was told that the scheme hadn’t started yet, even after he linked the card to his Aadhaar. “For us, it would make it much easier to receive the ration wherever we are,” he said. *Ration card portability has been the cornerstone in migrant labour discussions, including a draft migrant labour policy by Niti Aayog this year. In the backdrop of last year’s migrant crisis, the government held high*



their efforts to expand the 'One Nation, One Ration Card' scheme, enabling migrant workers to receive their entitled food grains from any fair price shop in the nation using their Aadhaar card. In his June 2020 address, Prime Minister Narendra Modi said, "The biggest benefit of the One Nation One Ration Card scheme will be to those poor workers who leave their villages and migrate elsewhere for livelihood." With local lockdowns gradually increasing and with cities witnessing another migrant exodus, interviews with researchers, field workers, and the migrant workers they work with show the logistical hurdles still facing the programme a year after its initial implementation. Transactions of the scheme, although growing, remain low. In total, only a little over 50,000 transactions have been made across state borders, of which almost 90 per cent has been in the past year, according to the Integrated Management of Public Distribution System portal. The scheme began picking pace in July 2020, when it was enabled in 20 states and UTs. April saw over 11,000 transactions – double the number in March – with Maharashtra, Gujarat, Andhra Pradesh, and Haryana seeing the bulk of transactions. "The programme needs more coordination. We haven't worked it out, but it should be possible to fix. It needs to be fully operationalised, which hasn't happened yet," said Amitabh Kundu, a prominent labour economist who has led several migration-related government committees, including an ongoing migrant survey by the Labour Ministry. "The scheme is just not working," said Arvind Ghrilahre, a block leader for Jan Sahas in Pachri, Chhattisgarh. "We did a survey of migrants from Mahasamund to Ranchi. Several have tried multiple times but they have been told that it doesn't work." According to K R Shyam Sundar, a professor of Human Resource Development at Xavier School of Management, Jamshedpur, ONORC is still a "mirage". "It will take a considerable amount of time to convert into reality," he said. When asked about issues with the scheme, a spokesperson for the Ministry of Consumer Affairs, Food & Public Distribution provided numbers for intra- and inter-state transactions to state that "ONORC is being implemented with great vigour across the country". "Moving population has been availing the benefits of the same in huge number," the spokesperson said. "As the awareness about it gradually settles in the population of different demographics, its success will deepen further ... It's an incremental process. You cannot judge the face of the building by looking at the structure which is in works."

UNFAMILIAR LINEAMENT AMONG ASSAM EARTHQUAKE FACTORS

An unfamiliar lineament is among four factors behind frequent earthquakes in northern Assam's Sonitpur area. *A lineament is a linear feature in a landscape dictated by an underlying geological structure such as a fault. According to the Geological Survey of India (GSI), Sonitpur district lies within a tectonically complex triangular area bounded by the east-west trending Atherkhet Fault, the northwest-southeast trending Kopili Fault and a north-south trending lineament.*

Two faults

The two faults and the lineament, along with the oblique convergence of the Indian plate, have caused frequent earthquakes. The National Centre of Seismology recorded 29 earthquakes of magnitude varying from 2.6 to 4.7 in Sonitpur after the 6.4 tremblor on April 28 that damaged several buildings, bridges and a river embankment. The last of these 29 earthquakes with Sonitpur as the epicentre was recorded early Wednesday morning. Five more of magnitudes 2.6-3.2 were also recorded in neighbouring districts during this period. "Sonitpur was the epicentre of this huge 6.4 earthquake after 33 years because of the tectonic complexity. The Atherkhet and Kopili faults,



the north-south lineament and the oblique convergence of the Indian plate is causing repetitive earthquakes,” GSI’s Deputy Director-General Sandip Kumar Som said. “Both the Atherkhet and Kopilli are active but we do not know about the nature of the lineament involved.” Atherkhet and Kopili are not the only faults that impact the Sonitpur region. The Siang Fracture, Yemla Fault, Namula Thrust and Canyon Thrust are spread across the northeast and are active along with Main Himalayan Thrust, Main Boundary Thrust, Main Central Thrust and several subsidiary faults. “The northeast is demarcated as Seismic Zone V, which indicates a zone with high vulnerability. The Indian plate is moving northeast toward the Eurasian plate in the Himalayan region, their oblique collision and release of stress and strain accumulated in the local tectonic or fault environments lead to earthquakes,” Dr. Som said. He also explained why water was oozing out of the fault in Sonitpur and adjoining affected areas after the April 28 earthquake. “This was a result of severe liquefaction [the process of making something liquid] from the unconsolidated substratum [underlying layer of soil/rock],” he said.

‘Don’t heed predictions’

The GSI specialist advised people not to heed earthquake predictions. “Unlike a landslide, a surficial process that can be constrained, an earthquake is a process deep inside the earth. But scientists worldwide are trying for a breakthrough. The work to understand the strain localisation of future earthquakes is under progress,” Dr. Som said.

V. KALYANAM, GANDHIJI’S PERSONAL SECRETARY, DEAD

V. Kalyanam, who was the last personal secretary of Mahatma Gandhi, passed away on Tuesday in Chennai due to age-related ailments. He was 99. He was the only surviving member of Mahatma Gandhi’s secretariat. Nalini Kalyanam, his younger daughter, said he was associated with Gandhijifrom 1943 and lived a life adhering to the Gandhian philosophy of simplicity, non-violence and cleanliness. “He was a great gardener until the age of 97,” she added. His final rites will be held at 1.30 p.m. on May 5 at the Besant Nagar crematorium in Chennai.

COALITION POLITICIAN

At the beginning of his political career, over 35 years ago, Ajit Singh was simply the son of Chaudhary Charan Singh, one of the most prominent peasant leaders from the north in independent India. But, when he passed away on Thursday at 82, from Covid-19, he had, to a great extent, carved a niche for himself both as a Jat leader from western Uttar Pradesh as well as a compelling presence at the Centre, particularly in the era of coalition politics. Charan Singh’s greatest strength was that while he was a leader of the Jats, particularly in UP, his articulation of politics was broader, encompassing the idea of the “kisan”, across communities. By the time Ajit Singh was ready to take on his father’s mantle in the late 1980s, the churn in politics brought about by Mandal had wrought large changes. V P Singh came to prominence in a time when caste, not class, became the primary axis around which politics was conducted. Despite this changed scenario — even because of it — Ajit Singh managed to use his strong but geographically limited political influence to advocate for the rights of peasants. Singh was elected to the Lok Sabha several times and the party he founded, Rashtriya Lok Dal, continues to have an influence in West UP, especially among Jats. He served as a Union minister under four prime ministers from three



different political dispensations. In the last few years, the BJP juggernaut diminished his influence in UP, but could never eradicate it. Singh managed to advocate for the interests of his core base at a time when coalition politics had increased the competition for both power and resources steeply.

JAGMOHAN (1927-2021): THE OFFICER AND THE POLITICIAN, COMBATIVE AND UNCOMPROMISING

JAGMOHAN, who passed away Tuesday at 93, was a rare exception in Indian politics who changed political masters, but never his core beliefs. Always referred to simply by his first name Jagmohan — few were aware of his surname Malhotra — the able, innovative, but high-handed and combative civil servant turned politician, succeeded in making a radical switch from the Congress to the BJP, without in any way compromising on his thinking or tough style. Two of his main backers, Sanjay Gandhi and the RSS, both appreciated these qualities and he was decorated with a string of Padma awards by different governments, including the Padma Vibhushan in 2016. Jagmohan came to the notice of Sanjay Gandhi in the early 1970s when he was appointed Vice Chairperson of Delhi Development Authority and changed the face of the capital, innovating schemes for land appropriation and beautification projects. He was a close lieutenant of Sanjay's during the Emergency, and earned notoriety for overseeing the ruthless slum demolition drives, particularly the devastating evacuation and demolition of Turkman Gate in 1976. He remained unapologetic about the mass, overnight displacements, insisting that his squatter victims were major beneficiaries in the long run. When Indira Gandhi came back to power in 1980, he was appointed the Lt Governor of Delhi. Even Rajiv Gandhi appreciated his dynamism and appointed him to help plan and organise the Delhi Asian Games. From 1984 to 1989, he was Governor of Jammu and Kashmir. This was a period when militancy in the Valley was exploding. Jagmohan tried to crack down on law and order and was accused of using extra-legal methods to engineer defections and displace Farooq Abdullah as Chief Minister so that G M Sayed could be installed in his place. All along, he was of the firm belief that Article 370 was an obstacle in enforcing New Delhi's writ in the troubled border state. He believed that regional parties were complicit in the deteriorating law and order situation in Kashmir. It was during his brief second tenure as Governor in 1990, that the Kashmiri Pandits began their exodus from the Valley. His critics charged that he was unable to protect the Pandits from Islamic militants and orchestrated their departure. On the other hand, the Hindus were grateful to him for saving their lives. Always combative and convinced about the righteousness of his causes, he wrote half a dozen books spelling out his position on different topics, including My Frozen Turbulence, giving his version of his role in Kashmir. Other books include Rebuilding Shahjanabad and Soul and Structure of Governance in India. During the Emergency, Jagmohan was perceived as being anti-minority because he famously remarked during the Turkman Gate evacuation that he had no intention of permitting the displaced persons to be re-located together, stating bluntly: "I did not destroy one Pakistan to create another." It was this, compounded with his strong view that Kashmir should be fully integrated with India, which brought him to the notice of the RSS. Although the RSS initially opposed his efforts to take over the Vaishno Devi temple board administration and undertake a massive clean-up, they came to applaud his efforts in bringing order and accountability in the running of the renowned shrine and organising a system for ensuring a smooth, comfortable passage for tens of thousands of pilgrims annually. With the backing of the RSS, Jagmohan joined the BJP, and was made a minister in Prime Minister Atal Bihari Vajpayee's Cabinets. He served ably as Minister for Urban Development, Tourism and Communication.

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THE OTHER VIRUS

The Sars-Cov-2's second surge is beginning to tell on Bengaluru, now the city with the highest daily caseload of Covid infections (over 20,000 cases a day for over a week). In this mounting crisis, *BJP MP Tejasvi Surya has unearthed an alleged scam in the allocation of hospital beds for Covid patients. His scrutiny extends to his own party that runs both the Karnataka government and the city municipal corporation in charge of Covid management.* Unfortunately, Surya's whistle-blowing also involves *a brazenly communal dog whistle.* In a video released by the MP's team, he is *seen aggressively questioning officers in a BBMP war room* — but by picking on *17 Muslim employees, whose names he reads out, in the 200-odd staff manning the facility. Two party MLAs, who accompanied him in this piece of political theatre, go on to ask if the war room was "a madrasa" or a "Haj Bhavan".* This nasty bit of profiling has led to social media paranoia about "terrorists" in Covid relief, and a vicious campaign against a seasoned bureaucrat of the minority community. *Even in peacetime, an MP, sworn to uphold the Constitution, crosses a red line if he publicly targets citizens on the basis of their faith.* In this moment of crisis, when health workers and frontline workers of all religions and identities are battling to contain the pandemic, a communal agenda demeans their service and erodes public trust. *It risks derailing the crucial work of containing Covid, and triggering a witch-hunt — as evident in the criminalisation of the Tablighi Jamaat last year.* A divisive response to the second wave might help Surya momentarily to obscure the failures of the state and central governments, or the paucity of oxygen supplies that recently led to 23 deaths in Karnataka. *But pitting citizen against citizen only makes the job of the virus easier.* In the midst of state failures and immense suffering, a lifeline for ordinary citizens has been the kindness of strangers. *In Bengaluru itself, volunteers from various faiths have pitched in to cremate or bury the Covid dead when their own co-religionists shrank in fear.* Each of them is an asset for the metropolis as it stares down the virus — and an example for Tejasvi Surya, who must refrain from communalising a public health emergency. If he doesn't desist on his own, his party must persuade him to.

BEHIND FREQUENT HOSPITAL FIRES IN INDIA

As many as 93 people, most of them Covid-19 patients, died in 24 incidents of fire in hospitals in India since last August. Why are these fires taking place regularly, despite the hospitals having passed fire checks and audits?

Hospital fires in India: Where, when, how many

Eleven of the 24 fires were major fires and 13 were minor ones. More than half these fires occurred in March and April, when rising Covid-19 cases snowballed into a second wave. Of 59 deaths from hospital fires in the last two months, 33 deaths were reported from Maharashtra in six fire incidents and Gujarat (21) in three fire incidents. Counting from August, 43 deaths in Maharashtra and 35 in Gujarat have been reported till date, the latest being in Bharuch where 16 patients and two nurses died.

Overstressed ICUs, ACs

Fire experts blame an "overstressed" hospital system unable to bear the rising patient load for the frequent fire incidents. *"Hospitals are increasing beds, equipment and staff to admit more Covid*

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patients, but it is not possible to immediately expand the electrical wiring system. Medical equipment or wires carrying current beyond their capacity can overheat. That is what is happening in many hospitals. We don't need just a fire audit, we also need an electrical audit," said Rajendra Uchake, Chief Fire Officer in Nagpur. In Well Treat Hospital, Nagpur, where a fire occurred in the intensive care unit (ICU) on April 10, *fire officials found the hospital had added more ICU beds in a limited space, making it easier for the fire to spread besides putting a burden on the existing electrical system.* In 13 of the 24 cases, the fire began in an ICU. *"These hospital ICUs did not function up to 100% capacity before the pandemic. The ventilator, equipment, air conditioners are working 24 x 7 now. It puts a pressure on the entire system,"* said Santosh Warick, Director, Maharashtra Fire Services, *adding that ideally air conditioners need to run for 15-16 hours and then need a cooling period. A back-up AC is necessary, which is absent in small hospitals,* he said. In a fire in Vijay Vallabh Hospital in Virar outside Mumbai, which killed 15, and in Ayush Hospital, Surat, which killed three, the fire began from the AC. In both cases, the AC had functioned for 24 hours. Uchake said instead of a cassette or window AC, air handling units (AHU) must be installed in ICUs to circulate air as they are better workhorses. Air handling units take air from the atmosphere, "recondition" it — cooling or heating as required — and circulate it within a building or a section of the building through ducts. In Safdarjung Hospital, Delhi, a fire mishap in March was due to an overheated ventilator machine.

More inflammable material

In Gujarat, fire officials have noted that *ICUs lack cross-ventilation – this is the case with all ICUs as they are sealed for the purpose of keeping them sterile.* In addition, due to Covid, *there has been an increase of inflammable material in Hospitals – sanitiser spills and vapour, higher oxygen content in the air, and PPE kits, which are made of synthetic material.* A fire official said "highly inflammable material such as these spread fire quickly" and leave very little time for a response. K K Bishnoi, director, Gujarat Fire Services, said the response time of fire brigade in Welfare Hospital (Bharuch) was seven minutes. *"But a high oxygen percentage and sanitiser fumes* in the ICU led to a flash fire. To further reduce response time, we plan training of staff in hospitals, deputation of more fire officials in major Covid hospitals and regular auditing once a week or two," Bishnoi said. Bishnoi has suggested *cross-ventilation in ICUs to allow fumes an outlet, which would mean unsealing a part of it.* In the case of the fire in Rajkot's Uday Shivanand Hospital and in Bharuch's Welfare Hospital, the preliminary observation by fire department was that the fire began in an ICU which did not have any ventilation. Former Mumbai fire officer Pratap Karguppikar said hospitals must install sprinklers. "If temperature rise to 78°C, sprinkler automatically starts dispensing 35 litres per minute. They can become first form of response," he said.

Temporary hospitals

In makeshift hospitals, jumbo centres for Covid patients present their own challenges. *They are made of highly inflammable materials, and sprinklers or fire alarms are difficult to install. Only fire extinguishers can be provided.* Suresh Kakani, Additional Municipal Commissioner, said that to prevent a massive mishap, they have placed a fire engine next to the Mulund, Dahisar and BKC jumbo centres to reduce the response time to seconds. In Dahisar jumbo centre, two minor fire incidents were reported in the last six months— one in an overheated high flow nasal cannula machine, and one in an inverter. A doctor from the centre said the capacity was for 85 ICU patients,



but the rise in cases forced them to expand to 100 ICU beds. “That has put pressure on the electrical lines, equipment, everything,” the doctor said.

STRINGS ATTACHED: PUPPETS OFFER SAFETY LESSONS TO FIGHT COVID-19

The COVID-19 pandemic has provided an Assam-based trust the opportunity to focus on a near-forgotten form of string puppetry called *Putola Nach*. In collaboration with the UNICEF-Assam, the Anamika Ray Memorial Trust (ARMT) has produced three short videos using string puppetry for creating mass awareness of COVID-appropriate behaviour. A fourth video is on the issue of school dropouts. The video ‘COVID Shatru (Enemy)’ is based on a king, who preaches safety measures after the spread of the novel coronavirus threatens to devastate his realm. ‘COVID Bibhrat (confusion)’ is aimed at students for instilling COVID appropriate behaviour — washing hands regularly, wearing a mask, maintaining physical distance and adhering to other precautionary measures as prescribed in the standard operating procedures. While these two are in Assamese, ‘Mama ro Mina ko COVID Katha’ (COVID Tale of Mama and Mina) is in the Nepali language, made especially for the Sikkim government. “These videos are a part of a larger collaborative project with UNICEF done in November and December 2020. We used the dying folk art form of Putola Nach to campaign for its conservation besides creating awareness on the pandemic,” ARMT’s managing trustee Ankuran Dutta said. The videos of 4-8 minutes have been launched on various social media platforms to reach millions of viewers, he said.

BJP QUESTIONS MOVE TO REDEVELOP MLA HOSTEL AT THE TIME OF CORONA

As the Congress questions the Central government’s expenditure on the central vista project in Delhi, Opposition Bharatiya Janata Party (BJP) in Maharashtra has now questioned the decision of the Maha Vikas Aghadi (MVA) government to issue ₹900 crore tenders for the redevelopment of Manora MLA hostel at the time of the pandemic. The Congress shot back saying the hostel was demolished by the previous BJP-led State government and the delay in redevelopment had already cost the State exchequer ₹700 crore as every month around ₹3.5 crore was being paid to MLAs, including those of the BJP. BJP MLA Atul Bhatkhalkar on Thursday tweeted, “Rs 900 crore tender has been issued by the Thackeray government for the MLA hostel. This seem to have slipped the eyes of those advising the Prime Minister to focus on vaccination rather than the construction of the parliament complex. Tell the Chief Minister to focus on corona pandemic. He will get the percentage there as well.” Congress general secretary Sachin Sawant said the decision to revamp the MLA hostel was taken by the Devendra Fadnavis government in 2018.

The BJP MLA alleged that the projected expenditure by the Fadnavis government was ₹600 crore while the MVA government increased it by ₹300 crore. “We think there are a number of irregularities involved and therefore the tender price has increased so much. The Chief Minister must cancel the tenders and if he fails to do so, the BJP will lead an agitation against the project,” he said. Mr. Sawant said a high-powered committee took the decision to hand over the work to the State Public Works Department last year and a provision of ₹875 crore was made for it.



NO GST ON IMPORTS OF VACCINE, MEDICAL OXYGEN

Imports of COVID-19 relief material, including vaccines, medical oxygen and Remdesivir vials, will get a conditional 'ad-hoc' Goods and Services Tax (GST) exemption till June 30, the Finance Ministry said on Monday. These items are already exempt from customs duty and health cess; now integrated GST (IGST), levied on such imports, will be withdrawn for two months for 'relief materials being donated from abroad'. The exemption won't be available for domestic companies or charities importing these items if they are purchasing them, even if for free distribution in the country, senior officials clarified. The relevant notification specifies that the relaxation is for COVID-19 material 'received free of cost for free distribution anywhere in India for COVID relief'. State chief secretaries were told to appoint nodal officers so that 'entities desirous of importing COVID relief material for free distribution may approach them for certification'. Global donors would need to register with individual States where they wish to route relief. Goods already imported but pending clearance from Customs as of Monday, will also be covered.

WORLD CHIPS IN: FRENCH OXYGEN PLANT AT APOLLO, US OXIMETERS IN SAFDARJUNG

White House's Covid-19 testing kits in New Delhi's Safdarjung Hospital; an Italian oxygen plant in the ITBP hospital in Greater Noida; a French oxygen plant at Indraprastha Apollo hospital in New Delhi; and Irish oxygen concentrators in PGI, Chandigarh. Amid a rising Covid curve, as help pours in from the global community and as *India departs from its 16-year-old policy of not accepting foreign aid, oxygen-related equipment and life-saving medicines from abroad have started reaching hospitals in Delhi and beyond. At least 14 countries have already started sending their material in aircraft and ships, and they are being sent out, mostly to government hospitals.* According to sources, the supplies are being sent as per requirement spelt out by the Health Ministry. *From the US to Russia, Italy to Thailand, Germany to Ireland and France — countries have been sending oxygen concentrators, some have been building oxygen plants, some are sending ventilators, while others are sending rapid testing kits, and essential medicines.*

Among the supplies that went out:

* Pulse oximeters from the US have gone to Safdarjung Hospital. About 7 lakh rapid detection kits from the US — the kind that is used by the White House — have gone to Safdarjung, AIIMS Jhajjar, ICMR and Lady Hardinge Medical College. One large oxygen plant from the US has arrived from California.

* 20 large oxygen concentrators, 75 lung ventilation equipment and 150 bedside monitors from Russia have gone to Lady Hardinge Medical College in New Delhi. Out of 2 lakh flavipiravir (an oral antiviral drug) from Russia, 25,000 have been sent to Safdarjung Hospital, 2,000 to LHMC, 30,000 to AIIMS Rishikesh, 40,000 to AIIMS Jodhpur, 10,000 to AIIMS Rai Bareilly, 30,000 to RML Hospital, 38,000 to AIIMS Delhi and 25,000 to AIIMS Jhajjar.

* Oxygen generation plants from France have gone to Dharamshila Narayana Superspeciality Hospital, Sanjay Gandhi Memorial Hospital, Indraprastha Apollo Hospital in Delhi, Ambedkar Nagar Hospital in Delhi, and Telangana Institute of Medical Sciences. Sources said one oxygen plant can sustain a 250-bed hospital, and has a life-cycle of 12 years.



- * 30 oxygen concentrators from Thailand have gone to CGHS hospitals (15) and Safdarjung Hospital (15).
- * 700 oxygen concentrators from Ireland have gone to AIIMS in various states and PGI, Chandigarh.
- * Oxygen plant from Italy is being set up at the ITBP hospital in Greater Noida.
- * 120 ventilators from Germany have been sent to the Ram Manohar Lohia Hospital, Safdarjung Hospital and AIIMS in New Delhi.

Sources said these are just some of the material which were received from foreign governments since May 26. German ambassador Walter J Lindner said the 120 ventilators sent to India are from the German government to the Government of India, but there are many more that are coming in through the private sector. “The Tatas are importing 20 mobile oxygen tankers, and FICCI and German companies are bringing in 1,500 oxygen concentrators,” Lindner told The Indian Express, adding that a massive oxygen plant is being brought in two A-400 planes for an Indian military hospital that will cater to civilians in India. Indian government sources said the donor countries are being told about the beneficiaries of the aid. In the case of Italy and France, embassy officials and technical teams are working with local hospitals to prepare the groundwork for setting up the oxygen plants. French ambassador Emmanuel Lenain said they are setting up these oxygen plants in about 10 days. About 28 tonnes of equipment were brought in aircraft, along with 28 ventilators. “We start working with the (beneficiary) hospitals (in India) to make sure that they have the proper capacity, where they could plug it, use it.” For the Italian oxygen plant in Greater Noida, about 18 professionals — doctors, technicians — have come to set up the machine capable of supplying an entire hospital. The plant, along with 20 lung respirators, were brought in by the Italian Air Force C-130. Italian ambassador to India Vincenzo De Luca said, “Italy stands with India in the fight against coronavirus. This is a global challenge that we must tackle together. The medical team and equipment provided by Italy will contribute to saving lives in these terrible moments.” Officials said the government has been receiving aid from April 27 onwards — from the UK, Ireland, Romania, Russia, UAE, USA, Taiwan, Kuwait, France, Thailand, Germany, Uzbekistan, Belgium and Italy, among others. Till May 4, the Health Ministry said, India received 1,764 oxygen concentrators, 1,760 oxygen cylinders, seven oxygen generation plants, 450 ventilators and more than 1.35 lakh remdesivir vials, among other things. Sources said the aid is not huge, but is helpful in meeting the “immediate needs” and is being sent to the “high-burden states”. On the selection of institutions for foreign aid, sources said the Health Ministry was making the allocations “keeping in mind equitable distribution and the load on tertiary healthcare facilities”. A Health Ministry statement on Wednesday said that a cell under the Additional Secretary (Health) has been working in the ministry since April 26 to “coordinate the receipt and allocation of foreign COVID relief material as grants, aid and donations.” “We want to use the aid properly, and as effectively as possible without wasting much time in official formalities,” a source said, adding that a 9.30 am meeting between stakeholders takes place every day.

FIRST INSTALMENT OF SDRF RELEASED

The Centre has released the first instalment of the State Disaster Response Fund (SDRF) to the States, in the wake of the second wave of COVID-19 that has claimed thousands of lives since April. The Union

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Home Ministry, in a statement, said ₹8,873.6 crore had been released, an annual exercise usually done in June. “As a special dispensation, the Department of Expenditure, Ministry of Finance, at the recommendation of the Ministry of Home Affairs, has released in advance of the normal schedule the first instalment of the Central share of the State Disaster Response Fund (SDRF) for 2021-22 to all the States,” the statement said. “Normally, the first instalment is released in June as per the recommendations of the Finance Commission. However, in relaxation of the normal procedure, not only has the release of the SDRF been advanced, the amount has also been released without waiting for the utilisation certificate of the amount provided to the States in the last financial year. Up to 50% of the amount released, i.e., ₹4,436.8 crore can be used by the States for COVID-19 containment measures,” it said. The Ministry said the funds might be used for meeting the cost of oxygen generation and storage plants in hospitals, ventilators, air purifiers, strengthening ambulance services, COVID-19 hospitals, COVID care centres, consumables, thermal scanners, personal protective equipment, testing laboratories, testing kits and containment zones, among others. Maharashtra, Karnataka, Kerala and Uttar Pradesh, one of the first COVID-19 hit States, were allocated ₹1,288 crore, ₹316.4 crore, ₹125.60 crore and ₹773.2 crore, respectively. Since Delhi is a Union Territory, the fund is released by the Ministry and included in the Union Budget. The allocation to each State depends on its population and utilisation of the fund in the previous year.

Immediate relief

The SDRF is the primary fund available with the State governments as part of their response to notified disasters to meet expenditure on immediate relief to victims. *The Centre contributes 75% of the allocation for general category States and Union Territories and 90% for special category States (northeastern, Sikkim, Uttarakhand, Himachal Pradesh and J&K).*

NITIN GADKARI'S NHAI ROPED IN FOR OXYGEN PLANTS PROJECT

The National Highways Authority of India (NHAI) will complete civil works of *581 Pressure Swing Absorption (PSA) oxygen plants, to be set up in districts within 15 days of getting the project sites. The NHAI, under Union Road Transport and Highways Minister Nitin Gadkari, will deploy the contractors of its ongoing projects near these sites to get the job done fast. Each site, finalised by the Health Ministry, is near a district hospital and has adequate space and power supply.* “As soon as we get each site, we will complete civil works in 15 days,” NHAI chairman S S Sandhu NHAI told The Indian Express. On Tuesday, the government selected NHAI as the nodal agency for civil works of the oxygen plants — this is given its expertise in quick execution, as also its footprint across the country, officials said. The NHAI has already communicated to its project implementation units across India to be ready and finish each work within the given deadlines. The units are to get in touch with district authorities for finalisation of the project sites. Around Rs 15 lakh is expected be spent on each site on the civil and electrical works done by NHAI. *The money will come from PM-Cares fund but for now NHAI will spend from its coffers, sources said. Preliminary work such as engineers coordinating with district officials is already under way. Each site is around 10×7 feet to house the oxygen generator. The oxygen plants will be set up by DRDO and HLL Infra Tech Services Limited — DRDO will set up 400 of them, and HLL Infra Tech the remaining 181.* “The idea is that our civil works should be complete before the oxygen plants arrive,” a senior official at NHAI said.



SUPREME COURT STAYS DELHI HC NOTICE AGAINST CENTRE, BUT WANTS PLAN ON OXYGEN

The Supreme Court on Wednesday stayed the contempt notice issued by the Delhi High Court against the Centre in the matter of supply of Liquid Medical Oxygen (LMO) to Delhi, stating that “the aim is not to haul up officers for contempt” and that such action will not bring oxygen. While granting the stay, a Bench of Justices D Y Chandrachud and M R Shah made it clear that it was not stopping the High Court from monitoring Covid-19 management-related issues, and directed a meeting between officials of the Centre and Delhi government by Wednesday evening to discuss issues related to oxygen supply. The Bench was hearing a plea by the Centre against the High Court’s direction asking it to show cause as to why contempt should not be initiated against it for failing to comply with orders for supply of LMO to Delhi. The Bench headed by Justice Chandrachud said that “exercising powers under contempt jurisdiction will not solve the problem facing Delhi. When the country is facing a humanitarian crisis, the court must aim at problem solving”. Taking a nuanced view of the oxygen production, demand and supply question vis a vis Delhi and the rest of India, the Bench asked the Centre to inform by Thursday how it planned to meet Delhi’s demand for 700 MT (metric tonnes) oxygen, in compliance with the Court’s order on April 30 directing it to meet any shortage in Delhi “on or before midnight of 3 May 2021”. Appearing for the Centre, Solicitor General Tushar Mehta said all states had demanded more oxygen but the supply was on the basis of the formula suggested by an expert group formed to rationalise this. This committee, the SG said, had suggested 50 litres oxygen per minute for ICU beds and 25 litres for non-ICU beds, and on the basis of this concluded that Delhi might not need 700 MT. However, the Supreme Court said this formula might merit a rethink as demand is also based on people in need of oxygen and not just those occupying beds. Justice Chandrachud said the demand also depends on state-wise pandemic scenarios. *“Odisha may be different from Maharashtra. Different states are peaking at different times, so we cannot have a general assessment.”* The Court also talked of the need to manage resources to optimise oxygen availability, including efficiency in the supply chain right up to hospitals, and to create buffer stocks. In this regard, the Bench agreed to consider the Centre’s prayer for an audit to know oxygen needs and sought names of experts who could be included in a committee if and when it is constituted to look into the question. “We need to do this scientifically,” Justice Chandrachud said, adding he will discuss the matter with Justices L Nageswara Rao and S Ravindra Bhat, who were part of the Bench that delivered the April 30 order. “One way is to have a broad-based expert committee and solve this pan-India. This will be based on states’ reply too.” Justice Chandrachud also mentioned that the Court had read reports about the Brihanmumbai Municipal Corporation (BMC) doing “some remarkable work”, and suggested that the Union Health Secretary and Delhi Health Secretary have a meeting with BMC Commissioner Iqbal Singh Chahal to find out how a storage mechanism can be created for Delhi to meet any sudden increase in demand. On the Court’s query as to how much oxygen had been supplied to Delhi since its previous order, Advocate Rahul Mehra, appearing for the Delhi government, said the Capital got 431 MT on April 28, 409 MT on April 29, 324 MT on April 30, 422 MT on May 1, 447 MT on May 2, 433 MT on May 3 and 555 MT on May 4. The Court noted that while “this shows an increase”, the target of 700 MT was yet to be achieved. It also took note that 351 MT of LMO had reached Delhi by 12 am Wednesday. Piyush Goyal, the Additional Secretary in the Union Home Ministry who appeared before the Bench, repeated that shortage of containers was the main issue. “Stocks are existing in eastern parts like Jamshedpur etc but due to fewer



containers, the supply is not coming in.” He pointed out that Odisha is sending supplies via train now. On the steps taken by the Centre, Goyal said: “When the Delhi HC asked us to handle (the matter) on April 23, then apart from the national virtual control room, we created a special virtual room for Delhi. Supply has really moved on after this.”

KARNATAKA HC JUDICIOUS IN ORDERING OXYGEN

The Supreme Court on Friday upheld a Karnataka High Court order of May 5 directing the Union government to supply 1,200 metric tonnes (MT) of oxygen every day to the State. A Bench of Justices D.Y. Chandrachud and M.R. Shah described the interim order of the High Court as a “careful, calibrated and judicious exercise”. The top court pointed out that even the Karnataka government had projected a need for 1,800 MT of oxygen if the number of cases climbed to 3.95 lakh. The cases, the Bench noted, had gone up to 4.95 lakh on May 5, and the minimum requirement was 1,100 MT. “Hence, the High Court order shows an extraordinarily well-calibrated approach... Prima facie, the government is under an obligation [to provide the oxygen],” Justice Chandrachud addressed Solicitor General Tushar Mehta. Mr. Mehta, who represents the Centre which has challenged the High Court order, said the issue was not about supply of oxygen to Karnataka.

‘Pan-Indian issue’

“The Centre is not and cannot be averse to that. I am only sharing a concern about a national problem... This is a pan-India issue. If every HC starts ‘judiciously’ examining what amount of oxygen should be supplied, etc., where would it lead to... *The Centre and State should decide the allocation of oxygen. If every HC starts entertaining petitions for allocation of oxygen under Article 226 [of the Constitution], COVID management would become unworkable. There will be a complete lack of pandemic management. This [oxygen] is not an unlimited source, we are trying to distribute it equitably to all,*” he argued. Justice Chandrachud said the amount of oxygen required for Karnataka was not arrived at by the High Court on its own, but based on a discussion between the State and the Centre. Besides, the HC had not precluded a resolution on oxygen allocation between the State and the Centre. *Justice Shah said the minimum requirement of 1,162 MT was fixed as per the norms arrived at by the government itself. At one point, an exasperated Mr. Mehta said “we are then ready to give the entire supply [of oxygen] and let it be distributed through the High Courts”. Justice Chandrachud intervened at this point, saying the top court was considering the setting up of an allocation committee for supply of oxygen to the States equitably and as per their individual needs. “We are forming a committee and till then the HCs cannot shut their eyes,”* he said. Justice Chandrachud said the judges, including Karnataka Chief Justice Abhay Oka and Justice Aravind Kumar, who passed the order in question, were human beings sensitive to what was happening around them. “They have seen the deaths in Chamarajanagar and Kalburgi... We are jointly in this,” Justice Chandrachud assured Mr. Mehta.

OXYGEN DEFICIT AMID MOUNTING COVID-19 CASES

A shortage of medical oxygen at hospitals in many parts of the country in the wake of the ongoing second wave of COVID-19 infections has caused multiple deaths, including in the capital city, and led to the Delhi High Court asking the Central government to explain its approach to the allocation of the critical resource to various States and Delhi. On Thursday, it questioned the Centre on why



States like Madhya Pradesh and Maharashtra were allotted more oxygen than what they had asked for, while Delhi was not given even its projected requirement to treat COVID-19 patients.

How much oxygen does India produce?

In a release on April 15, the *Ministry of Health and Family Welfare acknowledged at the outset that "medical oxygen is a critical component in the treatment of COVID affected patients" and said that India had a daily production capacity of 7,127 metric tonnes (MT) of oxygen, which it asserted was sufficient given that the countrywide medical oxygen consumption as of April 12 was 3,842 MT. While the 7,127 MT capacity that the Ministry referred to was the overall oxygen-producing capacity, including the volumes produced for industrial use, the fact that the Centre has restricted the supply of oxygen for all non-medical purposes, except a list of exempted industries that includes pharmaceuticals, food, oil refineries and oxygen cylinder makers, has meant that the major share of output has been earmarked for medical use.* Subsequently, in a statement shared by the Press Information Bureau on its website on April 27, the Prime Minister's Office said: *"The production of LMO [liquid medical oxygen] in the country has increased from 5,700 MT/day in August 2020 to the present 8,922 MT (on April 25, 2021). The domestic production of LMO is expected to cross 9,250 MT/day by the end of April 2021."*

What led to the shortage?

The demand for medical oxygen, which prior to the onset of the pandemic last year was at about 10% of overall output, or 700 MT/day, has skyrocketed in recent weeks with the incidence of patients suffering acute respiratory distress having sharply spiked during the current wave. While the Union government did constitute an inter-ministerial Empowered Group (EG2) of senior officers in March 2020 to ensure the availability of essential medical equipment, including medical oxygen, to the affected States, the group appears to have been caught off guard, along with most of the country's health sector by the sheer scale and speed of the rise in infections. As a result, oxygen demand projections have woefully lagged behind actual requirements. For instance, in an affidavit filed in the Supreme Court last month, the Union government pointed out that soon after it had passed an order for allocation of oxygen to 12 high-burden States on April 15, some of them promptly ended up considerably revising their projections for medical oxygen requirements for April 20. So, while Uttar Pradesh doubled its requirement forecast to 800 MT from 400 MT earlier, Delhi said it would need 700 MT as of April 20, a 133% increase from the 300 MT it had previously sought. Three other States, which had previously not been a part of the list, also sought allocations from the Centre, thus pushing up the demand forecast for April 20 to a total of 5,619 MT, from the 4,880 MT estimated earlier. The sharp revisions on the part of two States even prompted the government to remark in the affidavit that "it is also pertinent to note that the medical oxygen in any country cannot be unlimited". Also, the preparation for a possible second wave in India and oxygen requirements appears to have been wholly inadequate. As a pointer, in August last year, the European Industrial Gases Association observed that its members such as Air Liquide and Linde were experiencing five to 10 times the usual demand for medical oxygen, and this at a time when some countries, including in Europe, were experiencing their second wave. Add to this the unique logistic challenges facing the distribution of medical oxygen to hospitals in India, and we had a perfect storm of supplies running out with replenishment not reaching on time and many seriously ill patients gasping to death.



Why are we facing supply challenges?

Prior to the pandemic, *a bulk of the health sector's medical oxygen requirement had been met with supplies delivered either in form of oxygen cylinders containing the element as a high-purity gas or through dedicated cryogenic tankers that transport the oxygen in liquid form and deliver them to storage tanks at hospitals.* The stand-alone facilities for the production of oxygen, including the medical variant, have so far been geographically concentrated mainly in clusters in the eastern, southern and western parts of the country, thus necessitating the transportation of the element over distances by road. *With just 1,224 cryogenic tankers available for transporting LMO, according to the affidavit filed in the Supreme Court, there have not been enough vehicles to carry medical oxygen in quick time to critical locations.* This despite the fact that some tanker fleet owners have deployed at least two drivers with each vehicle to improve on-road and turnaround times between each delivery. *With cylinders and tankers scarce, the authorities are now eyeing other ways to urgently redress the situation.*

What is being done to boost supply?

The Centre is taking a multi-pronged approach to address the crisis. For one, *it has decided to deploy surplus stocks of the element available with steel plants across the country, including Public Sector Units. Also, the movement of transport tankers for LMO is now being closely monitored and the Indian Railways and the Indian Air Force have been roped in to help ferry tankers by both rail and air (though aircraft are mainly transporting empty tankers as it is hazardous to transport filled cryogenic vessels).* The PESO (Petroleum and Explosives Safety Organisation) has also issued directions to oversee the conversion of argon and nitrogen tankers for use as oxygen tankers. *Production of additional cryogenic tankers is also underway to augment fleet capacity.* Separately, *industrial cylinders have been permitted to be used for medical oxygen after due purging, and the Health Ministry is placing orders for another one lakh oxygen cylinders. The Ministry is also expediting on "a war footing" the commissioning of 162 Pressure Swing Adsorption (PSA) plants that can generate oxygen from the air at various hospitals across the country,* according to its affidavit. And for now, the government is also accepting assistance from abroad with several countries, including Russia and Singapore, despatching oxygen equipment.

What lies ahead?

The efforts to boost output and improve supplies notwithstanding, there are still multiple challenges. For the relatives of patients struggling to procure an assured supply of oxygen either at home or once admitted to a hospital, real-time information on availability has been hard to come by. Hence, they have mostly had to rely on volunteer networks disseminating data via social media platforms. Here again, *the Supreme Court had to step in to warn authorities against initiating any punitive action against volunteers and those putting out appeals for help.* Further, the allocation of oxygen to the States by the empowered group appears to be uneven, with the Delhi High Court pointing to the fact that *against the local government's request for 700 MT, it had only been allocated 490 MT, while Madhya Pradesh and Maharashtra had been sanctioned more supply than they had sought.* The wrinkles in matching supply and demand both at the institutional and individual level need to be ironed out without further delay.



HOW DOES A CONCENTRATOR HELP?

With the demand for medical oxygen continuing unabated and several States struggling to keep pace with demand, the oxygen concentrator has emerged as a sought after device. Unlike medical oxygen sourced from industrial units, which are supplied via cylinders, concentrators are devices that can be operated at home.

When is an oxygen concentrator needed?

When blood saturation levels drop below 94%, it could be a sign of respiratory distress. Usually this merits hospitalisation, but due to the surge in COVID-19 cases and oxygen beds in short supply, the device could help those whose saturation levels range between 88 and 92 if they can't access hospital services. Any lower would require more intensive oxygenation and any higher would mean that an improvement in lung function can obviate the need for such a device.

What does a concentrator do?

An oxygen concentrator takes in air and separates the oxygen and delivers it into a person via a nasal cannula. Air is 79% nitrogen and 21% oxygen and a concentrator that works by plugging into a source of electricity delivers air that is upto 95% oxygen. In respiratory infections that causes oxygen saturation levels to dip below 90%, having an external device supply pure oxygen eases the burden on the lungs. However in cases of severe respiratory distress, it may be necessary to provide oxygen that is almost 99% pure and an oxygen concentrator is not up to that job,

How does it work?

A concentrator consists of a compressor and sieve bed filter. The former squeezes atmospheric air and also adjusts the pressure at which it is delivered. The sieve bed is made of a material called Zeolite that separates the nitrogen. There are two sieve beds that work to both release oxygen into a tank that's connected to the cannula as well as release the separated nitrogen and form a continuous loop that keeps producing fresh oxygen.

Are all concentrators the same?

These products come with a variety of specifications. There are those with varying oxygen outputs. *For COVID-19 patients, a device with a 5L-10 L output is recommended. What's important though is that it delivers air that contains at least 90% pure oxygen. The cost of these devices can range from ₹40,000 to ₹90,000. There are also pulse and continuous flow concentrators where the latter delivers oxygen at a constant rate and the other uses a sensor to deliver a puff of oxygen when a user is about to inhale.*

FIR AGAINST LUCKNOW HOSPITAL FOR FALSE OXYGEN SHORTAGE ALARM

A private hospital in Lucknow has been booked for putting up a notice stating oxygen shortage in the facility and "creating an atmosphere of fear", said officials on Thursday. The administration claimed that the hospital had sufficient stock of oxygen cylinders and was allegedly trying to hoard them. The director of Sun Hospital was booked under Sections 188 and 269 of the IPC, Sections 51 and



52 of the Disaster Management Act, 2005 and the Epidemic Diseases Act in Vibhuti Khand police station.

The notice

On May 3, the hospital had allegedly put out a notice signed by its administrator, Udit Singhal, on social media —asking family members of patients who were on oxygen support to take their patients elsewhere. After repeated requests to the U.P. CM Yogi Adityanath and the Centre “we are not able to get enough oxygen supply,” said the notice. The Lucknow administration said they carried out an inspection at the hospital but found that the facility had a sufficient supply of oxygen. In his police complaint, Superintendent of CHC Chinhath Suresh Pandey said it was found that the hospital had eight jumbo oxygen cylinders, two B-type filled cylinders and oxygen concentrators. At that time, 25 COVID patients were admitted to the hospital, 20 of whom were on oxygen support, said Mr. Pandey. “After the examination from the medical point of view, it was established that the hospital had sufficient oxygen in proportion to the admitted patients,” the FIR said. The official also said that on May 1, when it had 18 patients, the hospital had received 26 jumbo cylinders while on May 2, the number of patients was 17, it had got 58 jumbo cylinders. *The action against the facility comes after Mr. Adityanath instructed officials to take action against hospitals if they found reporting scarcity of oxygen supply just to “create fear”.* On May 4, the *Allahabad HC* had observed that the deaths of COVID patients due to lack of supply of oxygen to hospitals “is a criminal act and *not less than a genocide* by those who have been entrusted the task to ensure continuous procurement and supply chain of the liquid medical oxygen.” The court made the remarks while asking DMs of Meerut and Lucknow to verify the deaths of five patients in the ICU of the new trauma centre of Medical College Meerut last Sunday and the reports of two hospitals allegedly taking their hands off admitted COVID-19 patients only because they did not get the oxygen supply despite demanding it.

A CT SCAN FOR COVID MERITS A WORD OF CAUTION (LANCELOT PINTO - CONSULTANT RESPIROLOGIST, P.D. HINDUJA NATIONAL HOSPITAL AND MEDICAL RESEARCH CENTRE, MUMBAI)

There are broadly three reasons why we perform tests in clinical medicine: *diagnosis* (what is the disease?), *etiognosis* (what caused a disease?), and *prognosis* (how will the disease evolve?). It is also important that the outcome of a test should guide treatment in some way, especially when it is being touted as being a monitoring test that provides unique information that cannot be obtained by easier means. Considering how widespread the use of computerised tomography (CT) scans of the thorax during the novel coronavirus pandemic has been, one would assume that the test would satisfy one, if not all the above criteria, for an accurate diagnostic test.

Data from studies

The Cochrane (previously known as the Cochrane Collaboration) pooled together all the available data from studies conducted over the last year (<https://bit.ly/33ftvVt>) to try and test the accuracy of CT scans in diagnosing COVID-19. It included 41 studies with a total of 16,133 participants. It was found that *a CT scan accurately diagnosed COVID-19 in about 88% of individuals with a positive RT-PCR. Since an RT-PCR itself misses 30% of people who have COVID-19, a chest CT is likely to diagnose only 62% of all individuals having COVID-19, making it a relatively inaccurate test for*

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diagnosis. In these difficult times in obtaining RT-PCRs due to overworked laboratory services, the use of a CT chest as a surrogate needs to come with a caveat: *a normal CT chest does not exclude COVID-19, and, therefore, should not be a reason to come out of isolation, especially when the CT is done very early in the disease.*

Mislabelling the cause

An accurate test for etiognosis would be one in which a result would make the cause almost certain. *The same Cochrane review mentioned above found that when radiologists convincingly labelled a CT pattern as being consistent with COVID-19 disease, they mislabelled 20% of those who did not have the disease as having COVID-19, getting the etiognosis wrong in a significant proportion of individuals.* Telling someone who does not have COVID-19 that they do have the disease has serious implications, leaving the real diagnosis undetected, and subjecting the individual to the psychosocial consequences of the knowledge that she/he has the disease. *The third reason that is often cited as being a reason to do a CT is for prognostication: a CT that appears worse is likely to lead to worse outcomes than a CT that appears better. Two comments need to be made in this context: the severity of lung involvement as seen on a CT is reflective of the status of the lungs at that point of time, and we know that this is a dynamic process, i.e., a limited involvement at an early stage could progress with time to a severe involvement; and a CT scan revealing severely affected lungs while oxygen levels remain high and unchanged is an extremely improbable event, suggesting that a CT is unlikely to give a treating physician more information than a simple tool such as an oximeter.* It needs to be mentioned that in research settings, certain patterns of lung involvement (and not the mere quantum as reported by a score) have been associated with worse outcomes (<https://bit.ly/3xlnyi5>), but unfortunately, these have not been widely validated, and are not the reason why CT scans are presently being performed.

The risks

“What is the harm in getting a CT of the chest done?” is another argument one hears often. A study published in The New England Journal of Medicine in 2007 (<https://bit.ly/3eSuIru>) postulated that *“0.4% of all cancers in the United States may be attributable to the radiation from CT studies”*, and further speculated that the current estimate could be in the range of 1.5%-2%. *This potential harm would have been clearly acceptable had this been a highly accurate and useful test. In addition to this risk to the individual undergoing the scan, there are risks to radiology technicians, staff and doctors that need to be accounted for. Moreover, considering the fact that CT scanners need to be kept in closed air-conditioned spaces, the risk of transmission of the virus at such centres cannot be ruled out.*

Raise queries

So, if a physician asks that a CT scan be done, ask her/him a few questions. If it is being done for diagnosis, why not do an RT-PCR instead (or two RT-PCRs), considering the higher accuracy of the test? If it is being done despite COVID-19 being proven, ask whether a minimal involvement on the scan guarantees an uneventful clinical course, or whether a more than minimal involvement (when the oxygen levels are high, and the patient seems to be getting better) is a sign of impending deterioration. Ask whether treatment strategies have been proven to work better when guided by chest CTs (rather than clinical findings such as oxygen levels). If the answer to



none of these satisfies you, consider the potential risks involved in getting that CT done, and feel free to make an informed decision.

A 'ONE HEALTH' APPROACH THAT TARGETS PEOPLE, ANIMALS (ATUL CHATURVEDI - SECRETARY, MINISTRY OF ANIMAL HUSBANDRY AND DAIRYING)

The father of modern pathology, Rudolf Virchow, emphasised in 1856 that there are essentially no dividing lines between animal and human medicine. This concept is ever more salient as the world continues to grapple with the COVID-19 pandemic. Discussions that took place around World Veterinary Day, on April 24, 2021, focused on acknowledging the interconnectedness of animals, humans, and the environment, an approach referred to as "One Health".

Across the species barrier

Studies indicate that more than two-thirds of existing and emerging infectious diseases are *zoonotic*, or can be transferred between animals and humans, and vice versa, when the pathogen in question originates in any life form but circumvents the species barrier. Another category of diseases, *"anthropozoonotic" infections, gets transferred from humans to animals.* The transboundary impact of viral outbreaks in recent years such as *the Nipah virus, Ebola, Severe Acute Respiratory Syndrome (SARS), Middle East Respiratory Syndrome (MERS) and Avian Influenza* has further reinforced the need for us to consistently document the linkages between the environment, animals, and human health.

India's framework, plans

India's 'One Health' vision derives its blueprint from the agreement between the tripartite-plus alliance comprising the Food and Agriculture Organization of the United Nations (FAO), the World Organisation for Animal Health (OIE), the World Health Organization (WHO) and the United Nations Environment Programme (UNEP) — a global initiative supported by the United Nations Children's Fund (UNICEF) and the World Bank under the overarching goal of contributing to 'One World, One Health'. In keeping with the long-term objectives, India established a National Standing Committee on Zoonoses as far back as the 1980s. And this year, funds were sanctioned for setting up a 'Centre for One Health' at Nagpur. Further, the Department of Animal Husbandry and Dairying (DAHD) has launched several schemes to mitigate the prevalence of animal diseases since 2015, with a funding pattern along the lines of 60:40 (Centre: State); 90:10 for the Northeastern States, and 100% funding for Union Territories. Hence, under the National Animal Disease Control Programme, ₹13,343 crore have been sanctioned for Foot and Mouth disease and Brucellosis control. In addition, DAHD will soon establish a 'One Health' unit within the Ministry. Additionally, the government is working to revamp programmes that focus on capacity building for veterinarians and upgrading the animal health diagnostic system such as Assistance to States for Control of Animal Diseases (ASCAD). In the revised component of assistance to States/Union Territories, there is increased focus on vaccination against livestock diseases and backyard poultry. To this end, assistance will be extended to State biological production units and disease diagnostic laboratories. WHO estimates that rabies (also a zoonotic disease) costs the global economy approximately \$6 billion annually. Considering that 97% of human rabies cases in India are attributed to dogs, interventions for disease management in dogs are considered crucial. DAHD has partnered with the Ministry of Health and Family Welfare in the National Action Plan for Eliminating Dog Mediated Rabies. This initiative is

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Telegram: http://t.me/DreamIAS_Jamshedpur



geared towards sustained mass dog vaccinations and public education to render the country free of rabies.

Need for coordination

Scientists have observed that there are more than 1.7 million viruses circulating in wildlife, and many of them are likely to be zoonotic, which implies that unless there is timely detection, India risks facing many more pandemics in times to come. To achieve targets under the 'One Health' vision, efforts are ongoing to address challenges pertaining to veterinary manpower shortages, the lack of information sharing between human and animal health institutions, and inadequate coordination on food safety at slaughter, distribution, and retail facilities. These issues can be remedied by consolidating existing animal health and disease surveillance systems — e.g., the Information Network for Animal Productivity and Health (<https://bit.ly/2SqNHlr>), and the National Animal Disease Reporting System (<https://bit.ly/3aVTPbq>) — developing best-practice guidelines for informal market and slaughterhouse operation (e.g., inspections, disease prevalence assessments), and creating mechanisms to operationalise 'One Health' at every stage down to the village level. Now, *as we battle yet another wave of a deadly zoonotic disease (COVID-19), awareness generation, and increased investments toward meeting 'One Health' targets is the need of the hour.*

SCIENTISTS SEE FLAWS IN SUTRA'S APPROACH TO MODELLING PANDEMIC

With close to 4,00,000 cases being added every day, questions are being raised by some scientists on whether a government-backed model, called SUTRA, to forecast the rise and ebb of the COVID-19 pandemic, may have had an outside role in creating the perception that a catastrophic second wave of the pandemic was unlikely in India. An official connected with the COVID-19 management exercise said, on condition of anonymity, that the SUTRA model input was "an important one, but not unique or determining". The SUTRA group had presented their views to V.K. Paul, who chaired a committee that got inputs from several modellers and sources. "The worst-case predictions from this ensemble were used by the National Empowered Group on Vaccines and the groups headed by Dr. Paul to take measures. However, the surge was several times what any of the modellers had predicted," the official said. On May 2, the SUTRA group put out a statement, carried by the Press Information Bureau, that the government had solicited its inputs where they said a "second wave" would peak by the third week of April and stay at around 1 lakh cases. "Clearly the model predictions in this instance were incorrect," it noted.

Past its peak

SUTRA (Susceptible, Undetected, Tested (positive), and Removed Approach) first came into public attention when one of its expert members announced in October that India was "past its peak". After new cases reached 97,000 a day in September, there was a steady decline and one of the scientists associated with the model development, M. Vidyasagar, said at a press conference then that the model showed the COVID burden was expected to be capped at 10.6 million symptomatic infections by early 2021, with fewer than 50,000 active cases from December. In October, at that time, there were 7.4 million confirmed cases of which about 7,80,000 were active infections. Computational biologist Mukund Thattai, of the National Centre for Biological Sciences, Bengaluru, in a Twitter thread on May 1 summarised instances of the SUTRA forecasts being far out of bounds of the actual case load. "The so-called Covid 'supermodel' commissioned by the Govt



of India is fundamentally flawed,” he tweeted. “Based on Prof. Agrawal’s [Manindra Agrawal of IIT-Kanpur] own posts, it was quite clear that the predictions of the SUTRA model were too variable to guide government policy. Many models got things wrong but the question is why the government continued to rely on this model, than consult epidemiologists and public health experts,” Mr. Thattai told The Hindu. Mr. Agrawal was among the mathematicians involved in developing the model. In an email to The Hindu, Mr. Agrawal said that the model, which had multiple purposes, didn’t work well on a metric of “predicting the future under different scenarios”. He said unlike many epidemiological models that extrapolated cases based on the existing number of cases, the behaviour of the virus and manner of spread, the SUTRA model chose a “data centric approach”. The equation that gave out estimates of what the number of future infections might be and the likelihood of when a peak might occur, needed certain ‘constants’. These numbers kept changing and their values relied on the number of infections being reported at various intervals. However, the equation couldn’t tell when a constant changed. A rapid acceleration of cases couldn’t be predicted in advance.

‘Danger of overfitting’

Rahul Siddharthan, a computational biologist at the Institute of Mathematical Sciences, in an email said no model, without external input from real-world data, could have predicted the second wave. However, the SUTRA model was problematic as it relied on too many parameters, and recalibrated those parameters whenever its predictions “broke down”. “The more parameters you have, the more you are in danger of ‘overfitting’. You can fit any curve over a short time window with 3 or 4 parameters. If you keep resetting those parameters, you can literally fit anything,” he said. According to Mr. Agrawal, one of the main reasons for the model not gauging an impending, exponential rise was that a constant indicating contact between people and populations went wrong. “We assumed it can at best go up to pre-lockdown value. However, it went well above that due to new strains of virus.” Further the model was ‘calibrated’ incorrectly. The model relied on a serosurvey conducted by the ICMR in May that said 0.73% of India’s population may have been infected at that time.

ICMR TO GET ROYALTY FROM SALE OF BHARAT BIOTECH’S COVAXIN

The intellectual property governing the use of Covaxin, jointly developed by Bharat Biotech and the Indian Council of Medical Research, was “shared” and the ICMR would receive royalty payments, the organisation confirmed to The Hindu. “The Public-Private Partnership was executed under a formal Memorandum of Understanding (MoU) between the ICMR and the BBIL which includes a royalty clause for the ICMR on net sales and other clauses like prioritisation of in-country supplies. The product IP is shared. It is also agreed that the name of ICMR-National Institute of Virology (NIV) will be printed on the vaccine boxes. The same is being done now,” ICMR Director-General Balram Bhargava said in an email. However he did not say how much money was spent. The partnership between the two organisations involves 12 activities that include clinical and preclinical studies. Five of these were funded entirely by Bharat Biotech: Candidate vaccine development, preclinical safety and toxicity studies in small animals (rats, mice and rabbits), phase-1 clinical trials including funding of sites, hiring Clinical Research Organisation (CRO) for trial monitoring, insurance, laboratory testing; phase 2 clinical trials including funding of sites, hiring CRO for trial monitoring, insurance, laboratory testing and all other logistics and hiring a CRO for phase-3 trial monitoring,



insurance and laboratory testing. *The activities funded by the ICMR were:* isolating the SARS-CoV-2 virus from a “huge number” of clinical samples, passage testing and confirmation; BSL-3 facility validation of BBIL for Covaxin production; vaccine strain characterisation by ELISA tests, electron microscopy, next generation sequencing; testing serum samples from preclinical studies in small animals; preclinical safety and efficacy in golden Syrian hamsters and preclinical safety and efficacy studies in rhesus macaques (monkeys); testing sera of Covaxin vaccinated individuals for U.K. strain, Brazil strain, South African strain and double mutant strain of SARS-CoV-2; U.K. variant virus isolation and characterisation, titration, sequencing from clinical specimens and funding the site for the phase 3 clinical trial.

Vaccine pricing

Covishield constitutes over 90% of the country’s vaccine supply so far and has been developed as partnership between the Oxford University and AstraZeneca. Serum Institute of India is one among the many manufacturers in the world with a production licence and has to pay royalty to a foreign company. *Covaxin on the other hand is almost entirely indigenous and yet is priced higher than Covishield.* Both are so far being bought by the Central government for ₹150 a dose. However, Covishield was first offered to States at ₹400 a dose and ₹600 to private hospitals and Covaxin was offered at ₹600 for State governments and at ₹1,200 for private hospitals. Later Covishield’s price was reduced to ₹300 a dose for States and Covaxin reduced theirs to ₹400.

VACCINE CRUNCH

Despite a massive shortage of COVID-19 vaccines across the country, the Central government announced that vaccination for everyone above 18 years of age would begin from May 1. But several State governments expressed their inability to kick off the programme citing a shortage of vaccines. They have postponed the drive to when the required stocks arrive in each State. This could have a deep impact on the epidemiological health of a population seized by a deadly second wave of infections.

What is the extent of the shortage?

India is currently producing roughly 2 million vaccines a day, and according to data on the Co-WIN portal, the number of vaccines being administered daily is roughly 2.3 million to 2.5 million. The shortage is stark. Technically, the production capacity falls below even the daily requirement. As of April 29, 9.1 % of the population had received one dose of the vaccine, and only 1.9 % had been “fully vaccinated”. That leaves out a huge share of the population that is still not inoculated. Chandrakanth Lahariya, vaccinologist and epidemiologist, says the maths behind it is incontrovertible. “Even at the current production levels, the demand is higher. The vaccination has been opened to the additional population and the demand has increased three-fold, while supply remains the same.” He reasons that even with other manufacturers being allowed to produce vaccines and a few million doses of the Russian vaccine Sputnik expected shortly, increasing production will take time. The Serum Institute of India, the maker of Covishield, looks to scale up production to 100 million doses per month soon, and Bharat Biotech, which manufactures Covaxin, is talking of producing 50-60 million doses a month. But even in the next few months, the production is unlikely to go far beyond 150 million doses a month.



Can people prolong the interval for their second dose?

Both vaccines available in India have a two-dose schedule. For Covishield, the AstraZeneca vaccine, T. Jacob John, renowned virologist, formerly with Christian Medical College, Vellore, said, "Phase 3 trials were conducted across many countries with varying intervals. They figured that a second dose 12 weeks later offered the best protection. Studies with a six to eight-week interval also found a linear relationship, with efficacy improving over time." In times of no urgency, the best option is to take the second shot at 12 weeks, but in the face of the second wave, however, he cautions that patients should take the vaccine on time to reduce the risk to themselves. The second dose of Covaxin can be taken four to six weeks after the first. Dr. Lahariya says that India should increase the gap for Covishield to 12 weeks. Any immunisation schedule is based on technical and operational feasibility, he says. In routine immunisation for children, most vaccines are administered at a four-week gap in India, while in many countries abroad, they are given after an eight-week gap. "Here, the operational reason is that coverage is already low. If we increase the vaccine gap, it might unnecessarily delay vaccination, especially for DPT. So, we have to design our vaccination programme based on scientific evidence and operational needs." In Covishield, the higher the gap, the greater is the proven efficacy. And several million doses will be saved to allow people to take at least one shot. However, this scenario cannot be extrapolated for Covaxin, adds Dr. Lahariya. At this point, the advice would be to encourage people to get doses whenever they can. "Irrespective of when the second dose is taken, it counts," he says. Immunologically, it is understood that when a person has been given a vaccine (even one dose), the immune system is activated. This means the system can mount a better response than a naive immune system in someone who is not vaccinated, says Dr. Lahariya.

If a person contracts COVID-19 after the first dose, when should they get the next shot?

Dr. Lahariya says according to the broader principle, it is appropriate to delay vaccination. *"Natural infection provides some protection for a few months. If a person has already received one shot within a month, then the natural infection becomes some sort of a booster infection.* Given the operational challenges, delaying the second shot can be done fairly confidently. However, the decision should be left to people." Dr. John points to the evolving guidelines released by the United States's Centers for Disease Control and Prevention (CDC). "Originally, CDC came up with a three-month gap, and later changed it to a one-month gap, and finally, we have, I think, an advisory to take it any time after full recovery, or after the person becomes completely asymptomatic."

WILL COWIN API MAKE IT EASIER TO GET VACCINE APPOINTMENTS?

Since Covid-19 inoculation exercise commenced for the 18-44 age group, finding an available slot at a vaccine centre has become a challenge, especially given that it is mandatory for this age group to make an appointment on the CoWin app. With an aim to resolve this, the National Health Authority (NHA) — the nodal agency managing the CoWin app — has opened up the APIs for vaccine appointments to the public.

What does opening up of APIs mean and what exactly does it enable?

An open API refers to a publicly available application programming interface (API) that provides developers access to a proprietary software application. For instance, you have a Google Maps API



that integrates with food delivery or travel portal, or the UPI API used by a range of apps to enable easy payments. In this case, *the NHA has allowed anyone to access a set of requirements needed to communicate and interact with the CoWin platform. This has enabled developers to build third-party tools that allow users to set alerts for slot availabilities according to various parameters. People can use these third-party tools to enter their details and they will get an alert whenever a slot opens up.*

What are these parameters and how will the users be alerted?

As per the APIs released by CoWin, a developer can build a tool to find vaccination appointments by PIN code, by district, by PIN code over a seven-day period, and by district over a seven-day period. Depending on the options provided by the third-party developer, a user can be alerted through an SMS, an e-mail, or a WhatsApp message.

Have the APIs been opened up for other services as well?

In addition to the vaccine slot availability search, access to CoWin has also been opened up for certificate download. Using this, people will be able to download vaccination certificate in PDF format by inputting the beneficiary reference ID.

Have any such platforms come up already?

Yes. A number of platforms that allow users to get alerts have been launched by third-party developers. *For example, the portal 'www.getjab.in' provides the users an option to get an alert on their e-mail ID or mobile number by inputting their details and the district in which they are seeking a slot.* Some developers have also used python scripts to create alerts that are sent to groups on Telegram messaging app.

Are there any concerns with this development?

In addition to the basic red flag that this will enable third-party platforms to collect data of users wanting to utilise these services, concerns are also being raised about how this will affect equitable distributions of vaccines in society. *A chief issue being raised here is that this will tilt the vaccine availability in favour of those with knowledge of computer programming, or better access to these third-party platforms.*

WORKERS' INCOME FELL BY 17%

The COVID-19 pandemic has substantially increased informality in employment, leading to a decline in earnings for the majority of workers, and consequent increase in poverty in the country, according to 'State of Working India 2021: One Year of Covid-19', a report brought out annually by Azim Premji University's Centre for Sustainable Employment, Bengaluru. This year's report, which covers the period March 2020 to December 2020, dwells on the impact of one year of COVID-19 on employment, incomes, inequality and poverty.

100 million jobs

Regarding employment, the report notes that 100 million jobs were lost nationwide during the April-May 2020 lockdown. Though most of these workers had found employment by June 2020, about 15 million remained out of work. As for income, "for an average household of four members,

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



the monthly per capita income in Oct 2020 (₹4,979) was still below its level in Jan 2020 (₹5,989),” the report noted. The study found that post-lockdown, nearly half of salaried workers had moved into informal work, either as self-employed (30%), casual wage (10%) or informal salaried (9%). The fallback option varied by caste and religion. “General category workers and Hindus were more likely to move into self-employment while marginalised caste workers and Muslims moved into daily wage work,” noted the report. Education, health and professional services saw the highest exodus of workers into other sectors, with agriculture, construction and petty trade emerging as the top fallback options. *Due to the employment and income losses, the labour share of the GDP fell by 5 percentage points, from 32.5% in the second quarter of 2019-20 to 27% in the second quarter of 2020-21.* “Of the decline in income, 90% was due to reduction in earnings, while 10% was due to loss of employment. This means that even though most workers were able to go back to work, they had to settle for lower earnings,” observed the report. Monthly earnings of workers fell on an average by 17% during the pandemic, with self-employed and informal salaried workers facing the highest loss of earnings. While the poorest 20% of households lost their entire incomes in April-May 2020, “the richer households suffered losses of less than a quarter of their pre-pandemic incomes.” During the period from March to October 2020, an average household in the bottom 10% lost ₹15,700, or just over two months’ income. Significantly, the study has found a clear correlation between job losses and the COVID-19 case load, with States showing higher case load, such as Uttar Pradesh, Maharashtra, Tamil Nadu, Kerala, and Delhi, “contributing disproportionately to the job losses”. *Women and younger workers were more affected by the pandemic-related measures. During the lockdown and in the post-lockdown months, 61% of working men remained employed while 7% lost their job and did not return to work. But in the case of women, only 19% remained employed while 47% suffered a permanent job loss, “not returning to work even by the end of 2020”.* With 230 million falling below the national minimum wage threshold of ₹375 per day during the pandemic, *poverty rate has “increased by 15 percentage points in rural and nearly 20 percentage points in urban areas,”* the report said. *Households coped with the loss of income by decreasing their food intake, selling assets and borrowing informally from friends, relatives and money-lenders.* The report notes that 20% of those surveyed said that their food intake had not improved even six months after the lockdown. These findings are a serious cause for concern in the absence of an inclusive social welfare architecture. *Among other ameliorative policy measures, the report calls for extending free rations under the Public Distribution System till the end of 2021, expansion of MGNREGA entitlement to 150 days, and a “Covid hardship allowance” for the 2.5 million Anganwadi and ASHA workers.*

RENT ISSUES AS AN IGNORED COVID STRESS POINT

As State governments have begun implementing weekend curfews and lockdown-like conditions amid the second wave of COVID, there is another issue that is emerging — rent crises within informal rental housing markets. For example, domestic workers in Jaipur, Rajasthan, have begun reporting to the Rajasthan Mahila Kamgar Union (RMKU) that landlords have only one line: “Pichli baar maaf kar diya tha, iss baar nahi karenge (The landlords say they will not be waiving any rent this time).”



Trauma returns

Meanwhile, reports of loss of livelihoods, in an eerie echo of 2020, have begun. In a crisis, the issue of rent *does not get as much attention as food and income support do*. Yet, the findings from a survey of 500 domestic workers in Jaipur by the RMKU and the Indian Institute for Human Settlements (IIHS) showed that rent formed *40% of their average expenses in the first five weeks of the lockdown in 2020*, was a majority component of debt post the lockdowns, and was a key component of the vulnerability of urban workers. This is not just true of domestic workers. Reports by the Stranded Workers Action Network showed that *fear of rent payments was one of the main reasons cited by migrants in their decision to leave cities and walk along highways*. It is imperative that we learn from the lessons of last year and protect the rental housing of informal workers early, effectively, and expansively. How should this be done? In February, we learnt crucial lessons from follow-up interviews with 76 domestic workers in Jaipur to see what had happened to rental housing through last year, and what lessons it offers for better protections this year.

Unenforceable moratoria

On March 29, 2020, the Union Ministry of Home Affairs in an order (<https://bit.ly/3b9M6qu>) said, "Where ever the workers, including the migrants, are living in rented accommodation, the landlords of those properties shall not demand payment of rent for the period of one month." It was an order that largely failed. It was vague (was the rent to be waived or just deferred?); offered no relief to landlords (many of whom rely on rent for their own sustenance, not unlike their tenants); and unenforceable in a market with no written rent agreements. Further, there was no apparatus to monitor the enforcement of this order. In most cases, it was the tenants who had to negotiate with their landlords and request for leniency. When one of our interviewees, Meena (name changed) cited the state announcement to her landlord, she was told, "Yeh sab sunne ka hai, koi maaf nahi karega (All of this is impractical, nobody will actually waive the rent)." Some landlords waived off rent for a month or two while others agreed to defer the rent. A few made no compromises and expected the rent to be paid on time, sometimes employing threats and coercion. Interviews show that domestic workers had to make difficult trade-offs, redirecting money reserved for necessary expenses such as food, school fees, and life savings to be able to pay rent and retain a roof over their heads. *With pending rent and school fees worsening with no money coming in, many domestic workers had to borrow from informal moneylenders.* Even in cases where the rent was deferred, it led to a piling up of debts for domestic workers who took more than a few months to get even a part of their jobs back. Some domestic workers borrowed from their employers, on the condition of paying it off with their work over the next few months, which meant a further paucity in income. Rent is particularly pivotal for workers who do not consider themselves migrants. For all the domestic workers we interviewed, returning to their villages was not an option. This was both because of their investments in decades of life in the city where, for many, their children were born, as well as the lack of jobs in the village, no skills for agricultural employment, and the absence of social ties. The only condition that renders such workers as "migrant" is their exclusion from the State programmes because they have not been able to get, for example, local ration cards despite years of trying. *Rent anchors the lives workers have built; it must be seen as a key part of the urban social safety net, as critical as food and wage.*



Some solutions

First, a moratorium should be announced with a clearer enforcement mechanism and a clear distinction between deferment and rent waivers. Working with worker organisations and unions could greatly aid enforcement. Landlords should be offered means to access partial compensation for lost rent from the state shifting the onus onto them rather than on workers. Second, cash transfers being conceptualised by many State governments must treat rent on a par with food and income support. The amount of cash transfer for rent support can be estimated on the basis of the rental market conditions (₹2,500-₹3,000 being the average monthly rent among our respondents in Jaipur). Third, *States can also aid workers through limited waivers on utility expenses*. For example, the electricity bills and penalties charged on non-payment were quite a burden for domestic workers. Unlike rent, there was no negotiation possible for utility payments, with some workers reporting the need to borrow from landlords to pay electricity bills. The second wave of COVID-19 has shown us the consequences of not preparing in advance. We cannot afford to not think ahead on the income and rent shocks that will follow this second wave as they did during the first wave. In doing so, *urban safety nets must bring together food, income and rent so that no person should be forced to make an impossible choice between roti and makaan*.

AN ISSUE OF LIVES VERSUS LIVELIHOODS (SUNANDA SEN - FORMER PROFESSOR OF ECONOMICS AT JAWAHARLAL NEHRU UNIVERSITY)

Strict to moderate lockdowns are being imposed again, this time in April 2021, terminating jobs in many an establishment employing large numbers of informal workers. Of those employed in the informal category, large numbers include migrants who face, like they did in March-April of 2020, a bleak future, with job losses, loss of rented accommodations, a lack of sustainable income and savings to ensure food, transportation back to villages or any other emergency including falling victim to COVI-19.

Grim to grimmer

Given their bitter experiences last year, migrants have already begun their journeys back to villages, paying exorbitant sums for their travel. Of course, no bright prospect awaits them there given the state of rural distress which initially pushed them to seek a better future in the urban areas. Nor do they expect new job opportunities, especially under shrinking National Rural Employment Guarantee Act allotments by the government. The continuing exodus unofficially records figures upward of 4 lakh (Western Railway) between April 1 and 12, while the Central Railways sent back 4.7 lakh migrants, all from Maharashtra, over the last few weeks. Such journeys will be recorded in history as those of destitution, offering no prospects of a better state. With multiple issues of serious sufferings on account of COVID-19- related distress, the country has less time to discuss the fate of these unwanted migrants on their path of reverse migration, fleeing from centres of livelihood toward dark holes of rural helplessness and poverty. To provide a narrative of who these people are, we may describe them as 'mobile by default', with growing rural distress and inadequate official policies failing to support the ailing rural economy. Providing a mirror image of the previous tragedy in 2020, this unwanted trek back to where they came from provides them no future worth mentioning. The conditions faced by these workers under a 'curfew-to-lockdown' status include the immediate termination of their livelihoods in



terms of jobs, access to accommodation and near insolvency. That the situations faced by migrants are not a matter of concern in policy making is quite apparent. There has been no attempt to have an official estimate of such flows, either incoming or reverse. Nor has any thought, going by official announcements, been made visible to redress the miseries that await the returning migrants. The recent official announcement of free ration of 5 kg cereals to 80 crore families is the only sop visible so far.

Questions for the state

Questions abound. It may not be too far-fetched to ask if this measure of using lockdowns and curfews to save lives also, simultaneously, take away the means of livelihood for the rootless and roofless migrants. If so, what are the measures the state has offered even to redress to some degree of their sufferings? Would it not have been more fair to provide for some short-term relief for these workers and their families not wanted any more in the urban areas? One can count the impact on urban centres. The flow provided a reserve army of cheap labour waiting to be hired at wages which, often, could dip lower than the statutory minimum, especially after meeting the demands of the mediating contractor who arranged for the migration from villages. With the formal organised industry employing as many as one half or more of employees with casual or informal status, it proved rather opportune for enterprises in factories, construction sites and other labour-intensive activities to make use of these migrants in their cost-cutting exercises. On the whole, the presence of the rural migrants benefited the urban economy by providing cheap labour to manufacturing units and cheap services to households. However, these jobs provided did not entail further obligations on the part of the employers or the state, given that the 'footloose' migrants never had any legal status as a working population.

No labour safeguards

One last question. Has there been any attempt ever to ensure some legal safeguards to these people? Pieces of legislation, as available, do not provide any evidence of addressing the issue especially in the current crisis, a pattern indicative of a minimalist state with close alliances with capital in the process. The Contract Labour (Regulation and Abolition) Act 1970 conferred on casual labour a legal status by providing a mechanism for registration of contractors engaging 20 or more workers. While it was never effective, the Occupational Safety, Health and Working Conditions Code, 2020 has replaced all such Acts. Seeking, rather ineffectively, to regulate the health and safety conditions of workers in establishments with 10 or more workers, the Code has replaced 13 prevailing labour laws. One can raise questions as to what happened to the various laws still operative. It is thus more than obvious that none of the so-called corrective measures was of any significance in relation to what the migrants have been experiencing today since partial or total lockdowns have been imposed over the last few weeks. Can we justify the situation as a step to save lives when it does not work for large sections of migrant people who also experience a loss of their livelihoods at the same time? Could there be some safeguards for such people before sending them off to such a bleak future?

SUDDEN DEATH

The Indian Premier League's suspension effective from Tuesday was an inevitable full stop considering India's continuing trauma with COVID-19 and the breach of the tournament's much-

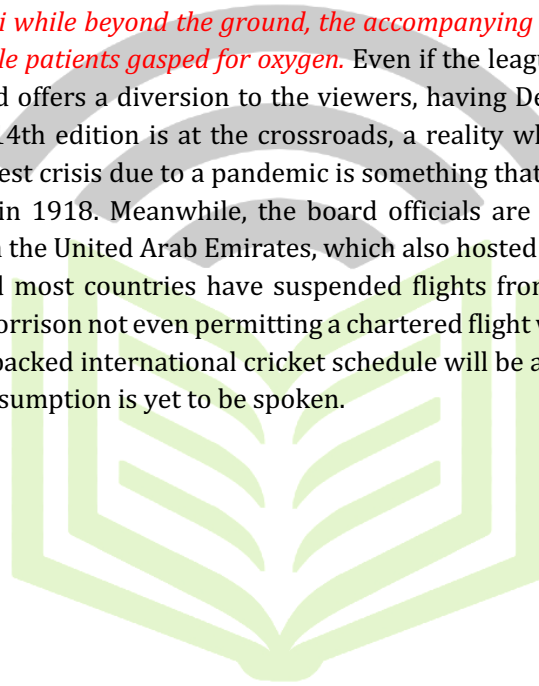
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vaunted bio-bubble. Until the emergence of the COVID-positive results of Kolkata Knight Riders' Sandeep Warrier and Varun Chakravarthy; Sunrisers Hyderabad's Wriddhiman Saha; Delhi Capitals' Amit Mishra, Chennai Super Kings' bowling coach L. Balaji and a member of the squad's logistics staff, the Board of Control for Cricket in India (BCCI) was in denial-mode, firmly believing that its bio-bubble protocols cannot be breached. BCCI officials also insisted that the league is not a super-spreader like election rallies or other permitted activities where crowds were allowed to assemble. That both fans and the media were kept away from the venues was cited as an example of how strict the IPL management was with regard to social-distancing. Besides this, the constant testing of everyone in the bubble was seen as another fail-safe method to ensure that the league did not turn into a coronavirus hotspot. But before the final denouement, what jarred was the tone-deafness of having matches in Delhi while beyond the ground, the accompanying note was that of ambulances blaring their sirens while patients gasped for oxygen. Even if the league has its share of a massive television audience and offers a diversion to the viewers, having Delhi as a host was extremely insensitive. The IPL's 14th edition is at the crossroads, a reality which it had avoided since its launch in 2008. The latest crisis due to a pandemic is something that humankind has never faced since the Spanish Flu in 1918. Meanwhile, the board officials are hinting about resuming the league later this year in the United Arab Emirates, which also hosted the 13th leg. But for that the virus should wane and most countries have suspended flights from India, with the Australian Prime Minister Scott Morrison not even permitting a chartered flight with the IPL's Aussie players. To find a window in a packed international cricket schedule will be arduous even if the last word on the IPL's tenuous resumption is yet to be spoken.



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BUSINESS & ECONOMICS

OPEC SHARE SLID AS INDIA'S OIL IMPORTS SHRANK 11.8%

OPEC's share of India's oil imports fell to the lowest in at least two decades in the year to the end of March as overall purchases by Asia's third-largest economy fell to a six-year low, data obtained from industry and trade sources showed. Total crude imports by the world's third-biggest oil importer fell to 3.97 million barrels per day (bpd) in FY21, down 11.8% from a year earlier, data showed. India bought more U.S. and Canadian oil at the expense of that from Africa and West Asia, reducing purchases from members of the Organization of the Petroleum Exporting Countries (OPEC) to about 2.86 million bpd and squeezing the group's share of imports to 72% from about 80% previously. That is the lowest share since at least FY02, before which crude import data is not available. U.S. and Canadian oil accounted for about 7% and 1.3% respectively of India's imports compared to 4.5% and 0.60% a year earlier. The U.S. emerged as the fifth-biggest supplier, up two places from FY20.

OMCS HIKE FUEL PRICES AFTER 65 DAYS; WHY MORE HIKES ARE LIKELY

Oil marketing companies hiked the price of petrol by 15 paise per litre and that of diesel by 18 paise per litre on Tuesday in the first hike in auto fuel pieces since February 27. The price of petrol is Rs 90.55 per litre and that of diesel is 80.91 in the national capital. The Indian Express examines why OMCs are hiking prices again.

Why are fuel prices rising now?

State-owned OMCs had halted upward price revisions at the end of February as record high petrol and diesel prices were becoming an electoral issue in states set to go to the polls. Experts noted that OMCs even absorbed negative marketing margins on petrol and diesel sales during some parts of the freeze in price hikes. "Margins for OMCs have been depressed and during some periods including when crude oil prices touched \$70 per barrel, they were making no margins," said Vivekanand Subbaraman analyst at Ambit Capital. Petrol and diesel prices are currently at near record highs due to a combination of the increase in the price of crude oil and elevated taxes on petrol and diesel. The price of petrol has been hiked by Rs 6.8 per litre and that of diesel has been hiked by Rs 7 per litre since the beginning of the year. The central government had in 2020 raised taxes on petrol by Rs 13 per litre and on diesel by Rs 16 per litre in a bid to boost revenues as economic activity fell sharply due to the Covid-19 pandemic.

Will fuel prices rise further?

Analysts noted that OMCs could hike the price of diesel by Rs 2-3 per litre and that of petrol by Rs 4-5 per litre around current crude oil price levels to both restore their marketing margins to normal levels and recoup lost revenue during the price freeze. Brent crude was trading at around \$67.5 on Tuesday. "OMCs were relying on inventory gains to boost their bottom line but as crude oil prices are not expected to rise much further, they will have to boost marketing margins to maintain profitability as even refining margins are currently weak," said an analyst who did not wish to be quoted. Inventory gains are gains in the value of crude oil as well as petroleum products held by an



oil marketing company. OMCs would have registered significant refining inventory gains or gains from an appreciation in the price of crude oil held by the company in the last quarter of FY21 as the price of Brent crude rose from about \$52 per barrel at the beginning of the year to about \$63.5 at the end of March. *The analyst quoted above noted that OMCs would have to raise prices to boost marketing margins as refining margins were low due to the slow offtake of petroleum products because of Covid-19 restrictions.* An internal note by a leading OMC reviewed by the Indian Express said that crude oil prices were expected to rise further as crude oil demand was set to rise in the US and Europe in the summer and that this would further put an upward pressure on the price of petrol and diesel. *“The positive demand outlook from U.S., Europe, China etc. is expected to outweigh the concerns of slowdown in India with rising Covid-19 cases. These may exert upward pressure on prices during the coming months,”* the note said

MFIS FLAG RURAL BORROWER DISTRESS TO RBI

The pandemic's second wave is affecting rural households far more than last year, with a large number of microfinance staffers, borrowers and their families hit by COVID-19, impacting many more livelihoods than during the first wave. The trend, which poses a higher risk of loan delinquencies if the rising infections don't taper off by the end of May along with mobility restrictions, was flagged by microfinance institutions (MFIs) to the Reserve Bank of India Governor Shaktikanta Das on Monday, according to two industry representatives who attended the meeting. Urging the central bank to grant forbearance for borrowers unable to pay instalments with some flexibility for the MFIs to restructure affected loans, industry representatives observed that while collections had been normal till early April -- in the wake of the gradual recovery -- they had slowed down since then. The official said that a significant section of MFI staff working with borrowers had also been infected, triggering fear among employees. *“Instead of an across-the-board moratorium... it would be better to give MFIs freedom to restructure loans based on requests without attracting the provisioning norms,”* said another MFI official.

ICRA cautioned on Tuesday that MFIs face a 'high risk' perception amid the sharp surge in infections. Though some States have classified the industry as an essential activity, borrowers' cash flows may be affected due to restrictions. *“Rapidly rising infections and mobility restrictions are... impacting MFIs' field operations,”* noted Sachin Sachdeva, sector head, financial sector ratings at ICRA. *“Consequently, the industry is witnessing a reduction in collections,”* he said. *“We estimate a sequential drop of 8%-10% in collections in April 2021 and the same may dip further,”* Mr. Sachdeva cautioned.

SMALL BUSINESSES, MSMES TO GET RELIEF

The Reserve Bank of India on Wednesday announced measures to protect small and medium businesses and individual borrowers from the adverse impact of the intense second wave of COVID-19 buffeting the country. In an unscheduled address, RBI Governor Shaktikanta Das unveiled a *Resolution Framework 2.0* for COVID-related stressed assets of individuals, small businesses and MSMEs and also expressed the central bank's resolve to do everything at its command to 'save human lives and restore livelihoods through all means possible'.



Eligibility criteria

Considering that the resurgence of the pandemic had made these categories of borrowers most vulnerable, the RBI said those with aggregate exposure of up to ₹25 crore, who had not availed restructuring under any of the earlier restructuring frameworks (including under last year's resolution framework), and whose loans were classified as 'standard' as on March 31, 2021, were eligible for restructuring under the proposed framework. In respect of individual borrowers and small businesses who had already availed restructuring under Resolution Framework 1.0, lenders have been permitted to use this window to modify such plans to the extent of increasing the period of moratorium and/or extending the residual tenor up to a total of two years. In respect of small businesses and MSMEs restructured earlier, lending institutions have been permitted as a one-time measure, to review the working capital sanctioned limits, based on a reassessment of the working capital cycle and margins.

Credit support

To provide further support to small business units, micro and small industries, and other unorganised sector entities adversely affected during the current wave of the pandemic, *the RBI decided to conduct special three-year long-term repo operations (SLTRO) of ₹10,000 crore at the repo rate for Small Finance Banks. The SFBs would be able to deploy these funds for fresh lending of up to ₹10 lakh per borrower. This facility would be available till October 31.* In view of the fresh challenges brought on by the pandemic and to address the emergent liquidity position of smaller MFIs, *SFBs are now being permitted to reckon fresh lending to smaller MFIs (with asset size of up to ₹500 crore) for onlending to individual borrowers as priority sector lending. This facility will be available up to March 31, 2022.*

State governments

To enable the State governments to better manage their fiscal situation in terms of their cash flows and market borrowings, maximum number of days of overdraft (OD) in a quarter is being increased from 36 to 50 days and the number of consecutive days of OD from 14 to 21 days, the RBI said. Separately, Mr, Das asserted that though the impact of the second wave was 'debilitating', it was 'not insurmountable'. "We do not expect any broad deviations in our projections," he added.

CABINET CLEARS IDBI BANK STRATEGIC DISINVESTMENT

The Union Cabinet on Wednesday gave in-principle approval for strategic disinvestment along with transfer of management control in IDBI Bank in line with the Budget announcement earlier this year. The central government and LIC together own more than 94% equity of IDBI Bank. LIC, currently the promoter of IDBI Bank with management control, has a 49.2% stake. The Cabinet Committee on Economic Affairs chaired by Prime Minister Narendra Modi approved the strategic sale of IDBI Bank, the government said in a statement on Wednesday. The extent of respective shareholding to be divested by the central government and LIC shall be decided at the time of structuring of transaction in consultation with the RBI, it said. Finance Minister Nirmala Sitharaman while presenting the Budget 2021-22 had announced the privatisation of public sector banks (PSBs) as part of *a disinvestment drive to garner ₹1.75 lakh crore.* The Centre expects the strategic buyer will infuse funds and new technology for development of the bank's business potential.



EYEING RURAL COVERAGE, IRDAI PITCHES FOR MODEL INSURANCE VILLAGES

At a time when the Covid pandemic is raging across the country, the Insurance Regulatory and Development Authority of India (Irdai) has come out with the concept of model insurance villages to cover the entire population in those areas, with the financial support of various institutions like Nabard and CSR funds. The idea behind the model village concept is to offer comprehensive insurance protection to all the major insurable risks that villagers are exposed to and make available covers at affordable or subsidised cost. The concept may be implemented in a minimum of 500 villages in different districts of the country in the first year and increased to 1,000 villages in the subsequent two years, Irdai said in a paper. The choice of villages is to be made carefully, considering the various relevant aspects and parameters in order to implement the concept successfully for a period of three to five years, it said. According to the Irdai, in order to demonstrate the concept and efficacy of insurance as risk management tool and to make farmers and rural population aware of benefits of insurance, special focused efforts need to be made to cover the entire population in the village and their property, farms/crops, farm machineries, vehicles, different village level services, manufacturing enterprises and other specific insurance needs of the particular village through targeted efforts in few selected villages. *Such model villages are expected to tackle losses due to natural calamities like floods and earthquakes. There's no catastrophe insurance in the country now.* "Every general insurance company and reinsurance company accepting general insurance business and having office in India (partnering with general insurance company of their choice) needs to be involved for piloting the concept," it said. *The efforts in selected villages need to be continued for a minimum of 3 to 5 years so as to make insurance benefits visible to the community,* the Irdai said in a discussion paper on 'Increasing General Insurance Penetration in rural areas with special focus on agriculture and allied activities'. In order to make the premium affordable, financial support needs to be explored through Nabard, other institutions, CSR funds, government support and support from re-insurance companies and to keep some of the covers available with very minimum or nominal premium cost. This is to ensure that families and their property, crops get cover and the entire village community participate in the initiative.

WHAT IS 5G TRIAL, AND WHY IS IT IMPORTANT FOR INDIAN TELCOS?

The Department of Telecommunications on Tuesday allowed private telcos Bharti Airtel, Reliance Jio Infocomm and Vi (formerly Vodafone Idea) and well as state-run telco Mahanagar Telephone Nigam Limited (MTNL) to start trials for 5G technology as well as its applications in various sectors. The trials will last for 6 months for now.

Why are the trials for 5G technology important for telcos?

5G or fifth generation is the latest upgrade in the long-term evolution mobile broadband networks. *5G mainly works in 3 bands, namely low, mid and high-frequency spectrum — all of which have their uses and limitations.* The telecom market in India is left with only three private telcos, with the rest having surrendered to the low returns on investments over the years. Apart from the private telecommunication companies, the two state-run companies, MTNL and Bharat Sanchar Nigam Limited (BSNL) have also survived but are making losses. In order to increase their average revenue per user, it is pertinent for telcos to start offering the new 5G technology as soon as



possible. For that, however, they will have to conduct trials in a variety of circumstances, including in semi-urban and rural areas, which remains an untapped market for them. Apart from the telcos, it is also important that the government be ready to roll out the new technology as soon as possible. *A standing committee of Lok Sabha on Information Technology has already flayed the government for delays in approvals, inadequate availability of spectrum, high spectrum prices, poor development of use cases and low status of fiberisation among others.* It is due to these reasons, the panel had said, that India could miss the 5G bus.

What will 5G trials in India entail for now?

In the initial phase, these trials will be for 6 months, including a 2 month period for procurement and setting up of the equipment. In these 6 months, telcos will be required to test their set up in urban areas, semi-urban areas as well as rural areas. During this period, *the telcos will be provided with experimental spectrum in various bands, such as the mid-band of 3.2 GHz to 3.67 GHz, the millimeter wave band of 24.25 GHz to 28.5 GHz, and others.* While the *low band spectrum has shown great promise in terms of coverage and speed of internet and data exchange, the maximum speed is limited to 100 Mbps (Megabits per second).* This means that while telcos can use and install it for commercial cellphone users who may not have specific demands for very high speed internet, the *low band spectrum may not be optimal for specialised needs of the industry.* The mid-band spectrum, on the other hand, offers higher speeds compared to the low band, but has limitations in terms of coverage area and penetration of signals. Telcos and companies, which have taken the lead on 5G, have indicated that this band may be used by industries and specialised factory units for building captive networks that can be moulded into the needs of that particular industry. The high-band spectrum offers the highest speed of all the three bands, but has extremely limited coverage and signal penetration strength. Internet speeds in the high-band spectrum of 5G has been tested to be as high as *20 Gbps (giga bits per second)*, while, in most cases, *the maximum internet data speed in 4G has been recorded at 1 Gbps.*

China has expressed "concern and regret" at the Indian government's decision to keep Chinese telecom firms such as Huawei out of the 5G trials. On Wednesday, a Chinese embassy spokesperson said, "We noted relevant notification, and express concern and regret that Chinese telecommunications companies have not been permitted to conduct 5G trials with Indian Telecom Service Providers in India."

The two major Chinese telecom equipment and technology vendors, Huawei and ZTE, were absent from the partner list of the three private telcos and MTNL. While there is no official bar on the deployment of equipment and technology from these two vendors, they have effectively been left out of the trials as no telcos requested permission to use their equipment. *Though Huawei is the world's largest maker of telecom equipment and the second-largest maker of mobile phone parts, the company's alleged relationship with the Chinese Communist Party and China's military apparatus landed it in trouble more than once and eventually led to a ban on usage in multiple countries such as the US and UK.* In December 2019, Telecom Minister Ravi Shankar Prasad had said all companies, including Huawei and ZTE, would be permitted to participate in the trials for 5G services. A border skirmish in June 2020, which left over 20 Indian soldiers dead, however, cast shadow on the two companies' ability to participate in any telecom tenders.



Stating that TSPs are encouraged to conduct trials using 5G technology in addition to the already known 5G technology, the statement said the International Telecommunications Union (ITU) has also approved the 5G technology, which was advocated by India, as it facilitates much larger reach of the 5G towers and radio networks. The 5G technology has been developed by the Indian Institute of Technology, Madras (IIT-M), Centre of Excellence in Wireless Technology (CEWiT) and IIT Hyderabad.

These TSPs have tied up with original equipment manufacturers and technology providers, which are Ericsson, Nokia, Samsung and C-DOT," a statement from the Ministry of Communications said. In addition, Reliance JioInfocomm Ltd. will also be conducting trials using its own indigenous technology.

U.S. SANCTIONS MAY SPUR ADANI TO EXIT MYANMAR

Adani Ports and Special Economic Zone Ltd. said on Tuesday it could abandon a Myanmar container terminal project and write down the investment if it is found to be in violation of sanctions imposed by the U.S. "In a scenario wherein Myanmar is classified as a sanctioned country under the Office of Foreign Assets Control (OFAC), or if OFAC opines that the project violates the current sanctions, (Adani Ports) plans to abandon the project and write down the investments," the company said in a filing to exchanges on Tuesday. OFAC, part of the U.S. Treasury Department, administers and enforces economic and trade sanctions based on the country's foreign policy. A military coup in Myanmar on February 1 and an ensuing crackdown on mass protests has drawn sanctions on military-controlled entities. *Adani Ports last year won a bid to build and operate Yangon International Terminal. An Australian human rights group in March released a report citing documents purporting to show that an Adani unit will pay up to \$30 million in land lease fees for the project to the Myanmar Economic Corporation, which has been sanctioned by the U.S.*

DreamIAS



LIFE & SCIENCE

WHAT'S FACEBOOK'S OVERSIGHT BOARD

Facebook's Oversight Board on Wednesday upheld the social media network's decision on January 7 to block the then-U.S. President Donald Trump from its platform. Facebook had decided to indefinitely block Mr. Trump for using the platform to, as its CEO Mark Zuckerberg put it then, "incite violent insurrection against a democratically elected government". On January 21, Facebook referred the case to its Oversight Board. Here's more about the board:

Independent body

The Oversight Board has been set up as an independent body that will help Facebook figure out what content can be allowed on the platform and what ought to be removed. Mr. Zuckerberg first wrote about the idea in 2018, saying in a note that "I've increasingly come to believe that Facebook should not make so many important decisions about free expression and safety on our own." It was said to have emerged out of the tensions around the often conflicting goals of maintaining Facebook as a platform for free speech and effectively filtering out problematic speech. According to a recent article in The New Yorker magazine, the idea "for the Oversight Board came from Noah Feldman, a 50-year-old professor at Harvard Law School, who has written a biography of James Madison and helped draft the interim Iraqi Constitution". Mr. Feldman, a friend of Facebook COO Sheryl Sandberg, felt "Facebook needs a Supreme Court" to decide on difficult questions around freedom of speech. The members who make the Oversight Board came on board a year ago. Facebook's welcome note at that time said: "We expect them to make some decisions that we, at Facebook, will not always agree with — but that's the point: they are truly autonomous in their exercise of independent judgment." It started taking up cases last October. The website of the Oversight Board lists 20 members, including the former editor-in-chief of The Guardian newspaper Alan Rusbridger, Vice Chancellor of the National Law School of India University Sudhir Krishnaswamy, and former Prime Minister of Denmark Helle Thorning-Schmidt. *Facebook as well as its users can refer cases to the board. The decisions of the board are binding on Facebook.*

What is the ruling

The board did uphold Facebook's decision to block Mr. Trump but also said "it was not appropriate for Facebook to impose the indeterminate and standardless penalty of indefinite suspension". Its point was that *Facebook usually responded to violations by either removing such content, or suspending the user for a specific time-period, or effecting a permanent ban. Indefinite suspensions aren't part of its response mix, which is what has been flagged.* The Board has now given Facebook six months to come up with a "proportionate response that is consistent with the rules that are applied to other users of its platform." *The investigation showed that prior to the January 6 Capitol riots by Trump supporters, five of Mr. Trump's posts had been found violating Facebook's community standards.* They were, therefore, removed. One of these posts, in August 2020, violated Facebook's Covid-19 misinformation policy. Mr. Trump's Facebook page received a 'strike' for this (*a Facebook page is removed after a certain number of strikes*). The Board said Facebook didn't explain "why other violating content it had removed did not result in strikes." Twenty other pieces of Mr. Trump's content were marked as potential violations by the review system but were later



found to be okay. Sometimes, Facebook allows violating content to be on its platform if it considers it to be newsworthy and in public interest. The Board revealed Facebook asserted that it “has never applied the newsworthiness allowance to content posted by the Trump Facebook page or Instagram account”.

Key recommendations

The Board wants Facebook to act quickly when it comes to content of a political nature coming from influential users. Its idea is to escalate such content to specialised staff as also assess potential harms from such accounts. It also wants Facebook to be more transparent about its policies regarding assistance to investigations as well as its penalty rules. It also wants Facebook to comprehensively review its “potential contribution to the narrative of electoral fraud and the exacerbated tensions that culminated in the violence in the United States on January 6. This should be an open reflection on the design and policy choices that Facebook has made that may allow its platform to be abused.”

READING FACEBOOK OVERSIGHT BOARD DECISION ON DONALD TRUMP BAN

An independent Oversight Board of social media conglomerate Facebook Wednesday held that the platform had rightly restricted the former president of the US Donald Trump from accessing his page and posting content on it after the Capitol Hill violence. Trump had been banned indefinitely by Facebook from posting or accessing his page on January 7.

What did the oversight board say in its decision to uphold Facebook’s ban on Trump?

In its decision, though the oversight board upheld Facebook’s move to bar Trump from accessing his page and posting any content on the platform, it also said the social media giant must review the matter to determine and justify “proportionate response that is consistent with the rules that are applied to other users of its platform”. The independent oversight board found that two posts on Facebook by the former US president had violated Facebook’s and Instagram’s community standards and guidelines. On his posts on Facebook, Trump had called people who had been engaged in violence in the Capitol Hill “great patriots”, who were “very special” and that they would “remember” that day forever. These words, the oversight body said, violated Facebook’s rule wherein it prohibits any praise or support of people engaged in violence in real life. “The Board found that, in maintaining an unfounded narrative of electoral fraud and persistent calls to action, Mr. Trump created an environment where a serious risk of violence was possible. At the time of Mr. Trump’s posts, there was a clear, immediate risk of harm and his words of support for those involved in the riots legitimized their violent actions,” the oversight body said in its decision.

What are the rules for politicians and state heads on social media platforms?

While all social media platforms have different rules, a common understanding is that nearly all politicians and state heads with considerable following get more relaxation than ordinary users. Though Facebook and Twitter both hold politicians running for any public office or any incumbent politicians holding a public office accountable for their posts, the two platforms also allow politicians to post content which other ordinary users may not necessarily be able to post and get away with. For example, despite Brazilian President Jair Bolsonaro posting on Facebook that the



indigenous people of the country were “evolving and becoming more human”, the leader continues to remain active and post on the platform. Similarly, in India, despite Twitter flagging down posts of leaders from mainstream parties, including the BJP, for violence and disseminating fake news, they continue to remain active on the platform and are posting regularly.

Will the oversight board upholding the Trump ban set a precedent?

Although the oversight board has agreed with Facebook’s decision, it has also said that the punishment meted out to Trump was unfair and that the platform must justify its decision again after reviewing it. Experts, however, believe that it is unlikely to set a precedent since these platforms do not have uniform policies to deal with this tricky issue. For example, in India, Twitter had come under severe fire from the central government for delayed response on taking down posts that the latter had claimed could lead to violence. Though the platforms have asked experts for inputs from subject experts on how to better handle this situation, it is likely to take them some time before they finalise a strict policy for dealing with such issues.

WHY SIGNAL WAS BLOCKED ON FACEBOOK-OWNED INSTAGRAM

An attempt by instant messaging app Signal to use Instagram ads to demonstrate how Facebook collects and sells user data resulted in Signal’s Instagram account getting blocked. Signal, which is owned by a non-profit corporation, competes with WhatsApp. Both WhatsApp and Instagram are owned by social media giant Facebook.

What did Signal claim?

Signal, which has a specific focus on privacy (its tagline is ‘Say hello to privacy’), claims companies like Facebook collect user data from their bouquet of apps “in order to sell visibility into people and their lives”. In a blog post, Signal said Facebook’s own tools divulged in part how its technology works. “It’s already possible to catch fragments of these truths in the ads you’re shown; they are glimmers that reflect the world of a surveilling stranger who knows you. We wanted to use those same tools to directly highlight how most technology works. We wanted to buy some Instagram ads,” it said.

So, what did Signal do?

Signal created what is called a multi-variant targeted ad campaign. In this, ads that ran on Instagram carried three sentences of text, parts of which were variable. The variables depended on the target audience Signal chose from Instagram’s ad-targeting tools. In Signal’s text ads, part of the text would depend on the specific parameters attributed to the viewer of the ad on the basis of data collected by Instagram about that viewer. For example, one of the ads read: “You got this ad because you’re a ‘certified public accountant in an open relationship’. The ad used your location to see you’re in ‘South Atlanta’. You’re into ‘natural skin care and you’ve supported Cardi B since day one’.” The parts in the single quotes were variable, and depended on whom the ad was targeting. Another example: “You got this ad because you’re a ‘newlywed pilates instructor and you’re cartoon crazy’. This ad used your location to see you’re in ‘La Jolla’. You’re into ‘parenting blogs and thinking about LGBTQ adoption’.”



And how did Facebook respond?

According to Signal, Facebook blocked its account on Instagram. “The ad would simply display some of the information collected about the viewer which the advertising platform uses. Facebook was not into that idea. Facebook is more than willing to sell visibility into people’s lives, unless it’s to tell people about how their data is being used,” Signal wrote in its blog. “Being transparent about how ads use people’s data is apparently enough to get banned; in Facebook’s world, the only acceptable usage is to hide what you’re doing from your audience.” Facebook has not issued a statement on Signal’s allegations.

But why is Signal targeting Facebook?

Signal and WhatsApp are rivals, and this isn’t the first time Signal has taken a shot at Facebook. Earlier this year, when WhatsApp announced a change in its policy terms to be able to share some data with Facebook, the number of downloads for Signal skyrocketed. At the time, Facebook ran an ad for its Messenger app on iPhone whenever users searched for Signal. In response, Signal posted on Twitter: “Facebook is probably more comfortable selling ads than buying them, but they’ll do what they have to do in order to be the top result when some people search for ‘Signal’ in the App Store. P.S. There will never be ads in Signal, because your data belongs in your hands not ours.” Signal has been endorsed by Elon Musk of Tesla and Jack Dorsey of Twitter.

Do regular users of Instagram need to be concerned about what Signal has said?

What Signal has demonstrated is basically how ad-tech works across Internet platforms. It harvests data from users based on their usage of these platforms. This data is sourced both from what is directly provided by users, as well as from the activity of the user on the platform. Late last year, Cadbury in India came out with an ad campaign to call for support for local businesses. This Internet campaign used the location of the viewer of the ad to decide the variables — meaning that a viewer would be shown names of local businesses depending on where the ad was being viewed.

THE SMELL OF CHOCOLATE

Cocoa beans, when fermented correctly, have a pleasant smell with sweet and floral notes. But they can have an off-putting scent when fermentation goes wrong, or when storage conditions aren’t quite right and microorganisms grow on them. If these beans make their way into the manufacturing process, the final chocolate can smell unpleasant. Researchers had previously used molecular techniques to identify the compounds that contribute to undesirable smoky flavours. By using gas chromatography in combination with olfactometry and mass spectrometry, researchers at the Technical University of Munich, Germany identified 57 molecules that made up the scent profiles of both normal and musty/mouldy smelling cocoa beans. Of these compounds, four had higher concentrations in off-smelling samples. The researchers determined that geosmin — associated with mouldy and beetroot odours — and 3-methyl-1H-indole — associated with faecal and mothball odours — are the primary contributors to the musty and mouldy scents of cocoa beans. According to a release from American Chemical Society, they found that geosmin was mostly in the beans’ shells, which are removed during processing, while the latter was primarily in the bean nib that is manufactured into chocolate. The researchers say that measuring the amount of these compounds within cocoa beans could be an objective way to detect off-putting scents and flavours.



HERPETOLOGIST DEEPAK VEERAPPAN HAS A SNAKE NAMED AFTER HIM

In the first four months of 2021, *the Western Ghats presented new butterflies, frogs, fruit flies, and even a freshwater crab. Joining the list is a tiny snake of just 20 cm length with iridescent scales - Xylophis deepaki, first stumbled upon in a coconut plantation in Kanyakumari, is now reported to be an endemic species of Tamil Nadu and has been sighted in a few locations in the southern part of the Western Ghats. The species is named in honour of Indian herpetologist Deepak Veerappan for his contribution in erecting a new subfamily Xylophiinae to accommodate wood snakes.* The team suggests the common name Deepak's wood snake.

Wood snakes

Wood snakes are harmless, sub-fossorial and often found while digging soil in farms and under the logs in the Western Ghat forests. They feed on earthworms and possibly other invertebrates. Interestingly, their close relatives are found in northeast India and Southeast Asia and are known to be arboreal.

Drier habitat

"This new species is found in the drier regions and in lower altitudes around Agasthyamalai hills. The other Xylophis were reported from cold higher altitudes, of 1,700 m and above, in the Nilgiris and the Anaimalai. Its close relative, Captain's wood snake, is known from the western slopes of the Western Ghats in the Kerala," explains Surya Narayanan, from Ashoka Trust for Research in Ecology and the Environment, Bengaluru, and first author of the paper recently published in Vertebrate Zoology. *The snake was previously confused with X. captaini, but detailed morphological studies showed that it had a broader off-white collar and more ventral scales. Further, DNA studies indicated that it was indeed a new species and was a close relative to X. captaini.* The new find increases the total number of currently recognised wood snakes to five species. *The paper adds that very little information is available on the precise distributions of each species, their natural history, population status, feeding and reproductive ecology, and conservation status.* "These are burrowing snakes and we have planned to carry out more studies to understand its geographical distribution," adds Pratyush P. Mohapatra, Scientist at the Zoological Survey of India, who is based in Jabalpur. *He adds that as the snake was found from rubber, banana, and coconut farms, it seems to be well adapted to moderate habitat changes, but more studies are needed to ascertain its status.*

WHY A MALARIA VACCINE CANDIDATE HAS RAISED NEW HOPE, AND WHAT WENT INTO ITS MAKING

A malaria vaccine candidate has shown promise in phase 2b clinical trials, with high efficacy at 77%. The results of the trial were published recently in preprints with The Lancet.

The previous version

The new vaccine candidate, called R21/Matrix M, is a modified version of RTS, S — another candidate against malaria that has been in development for more than 30 years by Walter Reed Institute of Research, GlaxoSmithKline and Bill and Melinda Gates Foundation with the PATH Malaria Vaccine Initiative. This vaccine is designed to stop the Plasmodium falciparum malaria parasite from



entering the liver and preventing the subsequent deadly blood stages. It targets the liver stage protein of the Plasmodium falciparum life cycle. *Thirty years in the making, RTS,S is the first, and to date the only, vaccine to reduce malaria in children.* But it is not highly efficacious, according to Dr V S Chauhan, a Rhodes scholar working in the fields of genetic engineering and biotechnology and who is known for his contribution to the development of a recombinant vaccine for malaria. "Its efficacy is so low that it is not widely given. Research is going on and the new one is a modified version of the previous vaccine. This is new hope but it has to undergo phase 3 trials yet," Dr Chauhan said.

The new version

R21/Matrix M has been developed by scientists at University of Oxford, the same location where the AstraZeneca Covid-19 vaccine was developed. *They have been working on this version for almost 6-7 years now.* Study author Adrian Hill, director of the Jenner Institute and professor of vaccinology at the University of Oxford, said in a statement that he believed the vaccine was the first to reach WHO's goal of at least 75% efficacy. *This vaccine was produced in the Serum Institute of India. The fact that the Institute was chosen as a location for manufacturing shows its tremendous ability to produce good quality, said Chauhan.*

What next

Researchers working together with SII and US vaccine maker Novavax (which supplied the adjuvant) have now started recruitment for a phase 3 trial to assess large-scale safety and efficacy in 4,800 children aged five to 36 months across four African countries. SII has said it is confident of delivering more than 200 million doses of the vaccine as soon as it is approved by regulators.

Why it matters

In 2019, there were an estimated 229 million cases of malaria and 409 000 malaria-related deaths in 87 countries. Children under the age of 5 in sub-Saharan Africa accounted for approximately two-thirds of global deaths. Between 2000 and 2020, 24 countries reported zero indigenous cases of malaria for 3 or more years. This is the benchmark for the World Health Organization (WHO) certification of a country as malaria-free. *Globally, 39 countries have achieved the milestone.* In 2019, India had an estimated 5.6 million cases of malaria compared to about 20 million cases in 2020 according to WHO. The 2020 cases estimates (global, regional and country level) will be published later this year.

The pandemic challenge

In 2020, COVID-19 emerged as a serious challenge to malaria responses worldwide. The WHO has been urging countries to maintain essential health services, including for malaria, while ensuring that communities and health workers are protected from Covid-19 transmission. *According to the results of a new WHO survey, approximately one-third of countries around the world reported disruptions in malaria prevention, diagnosis and treatment services during the first quarter of 2021.* In many countries, lockdowns and restrictions on the movement of people and goods have led to delays in the delivery of insecticide-treated mosquito nets or indoor insecticide spraying campaigns. Malaria diagnosis and treatment services were interrupted as many people were



unable – or unwilling – to seek care in health facilities. On World Malaria Day (April 25), WHO called on all people living in malaria-affected countries to “beat the fear”.

SMALLER, SMARTER

Humans pride themselves on being the blue-eyed children of evolution. Not only does the homo sapiens have opposable thumbs and the ability to walk upright, we have big brains relative to our size. Bigger brains are not only seen as a sign of cleverness, but as proof that natural selection incentivises the intelligent human. A new study published in the journal Science Advances has called that common sense into question. Researchers who examined brain and body size of 1,400 living and extinct mammal species over the last 150 million years now argue that it is possible that mammal species evolved not to have bigger brains — but smaller body sizes because it helped to adapt to environmental changes. That is to say, evolution isn't rooting for increased cognition levels in the human species. But humans, of course, have sold themselves the story of being the most exceptional creatures on the planet. From the Enlightenment onwards, intelligence and reason were used as a justification for humans' appropriation of nature, the creation of wealth and colonisation of nations. But the study flags a bias in this logic. Humans, secure in the knowledge of their higher wisdom, have interpreted big brains as evidence of better selection. Evolutionary logic, however, might care two hoots about intelligence — indeed, the tenacity of the cockroach or the persistence of microbes might help them more in the battle of survival of the fittest. In contrast, the unchecked plunder of the planet's resources, all aided and enabled by human intelligence, has accelerated climate change and put all life on the planet to risk. In the middle of this raging pandemic, as millions of Sars-Cov-2 viruses use human bodies to multiply and propagate their genetic code, their immense damage to human life is a reminder: In the big stakes of evolution, an organism smaller than the tiniest speck might have the last laugh. That's a no-brainer.

A PATENTLY WRONG REGIME (SUHRITH PARTHASARATHY - ADVOCATE PRACTISING AT THE MADRAS HIGH COURT)

Even an unprecedented pandemic can do little, it appears, to upset the existing global regime governing monopoly rights over the production and distribution of life-saving drugs. If anything, since the onset of COVID-19, *we've only seen a reaffirmation of intellectual property rules that have served as a lethal barrier to the right to access healthcare over the last few decades. The neo-liberal order, under which these laws exist, is so intractable today that a matter as seemingly simple as a request for a waiver on patent protections is seen as a claim unworthy of exception.*

Request for waiver

On October 2 last year, *India and South Africa submitted a joint petition to the World Trade Organization (WTO), requesting a temporary suspension of rules under the 1995 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). A waiver was sought to the extent that the protections offered by TRIPS impinged on the containment and treatment of COVID-19.* As we now know, quick and efficient vaccination is the surest route to achieving global herd immunity against the virus. *Should the appeal for waiver be allowed, countries will be in a position, among other things, to facilitate a free exchange of know-how and technology surrounding the production of vaccines. The request for waiver has, since, found support from more than 100 nations. But a small*



group of states — the U.S., the European Union, the U.K. and Canada among them — continues to block the move. Their reluctance comes despite these countries having already secured the majority of available vaccines, with the stocks that they hold far exceeding the amounts necessary to inoculate the whole of their populations. Their decision is all the more galling when one considers the fact that for the rest of the world mass immunisation is a distant dream. Reports suggest that for most poor countries it would take until at least 2024 before widespread vaccination is achieved. A patent is a conferral by the state of an exclusive right to make, use and sell an inventive product or process. Patent laws are usually justified on three distinct grounds: on the idea that people have something of a natural and moral right to claim control over their inventions; on the utilitarian premise that exclusive licenses promote invention and therefore benefit society as a whole; and on the belief that individuals must be allowed to benefit from the fruits of their labour and merit, that when a person toils to produce an object, the toil and the object become inseparable. Each of these justifications has long been a matter of contest, especially in the application of claims of monopoly over pharmaceutical drugs and technologies.

A new world order

In India, the question of marrying the idea of promoting invention and offering exclusive rights over medicines on the one hand with the state's obligation of ensuring that every person has equal access to basic healthcare on the other has been a source of constant tension. The colonial-era laws that the country inherited expressly allowed for pharmaceutical patents. But in 1959, a committee chaired by Justice N. Rajagopala Ayyangar objected to this on ethical grounds. It noted that access to drugs at affordable prices suffered severely on account of the existing regime. The committee found that foreign corporations used patents, and injunctions secured from courts, to suppress competition from Indian entities, and thus, medicines were priced at exorbitant rates. To counter this trend, the committee suggested, and Parliament put this into law through the Patents Act, 1970, that monopolies over pharmaceutical drugs be altogether removed, with protections offered only over claims to processes. This change in rule allowed generic manufacturers in India to grow. As a result, life-saving drugs were made available to people at more affordable prices. The ink had barely dried on the new law, though, when negotiations had begun to create a WTO that would write into its constitution a binding set of rules governing intellectual property. In the proposal's vision, countries which fail to subscribe to the common laws prescribed by the WTO would be barred from entry into the global trading circuit. It was believed that a threat of sanctions, to be enforced through a dispute resolution mechanism, would dissuade states from reneging on their promises. With the advent in 1995 of the TRIPS agreement this belief proved true. As the Yale Law School professor Amy Kapczynski has written, compelling signatories to introduce intellectual property laws like those in the global north was nothing short of a scandal. The follies in this new world order became quickly apparent when drugs that reduced AIDS deaths in developed nations were placed out of reach for the rest of the world. It was only when Indian companies began to manufacture generic versions of these medicines, which was made possible because obligations under TRIPS hadn't yet kicked in against India, that the prices came down. But lessons from that debacle remain unlearned.

Refuting objections

Instead, two common arguments are made in response to objections against the prevailing patent regime. One, that unless corporations are rewarded for their inventions, they would be unable to



recoup amounts invested by them in research and development. Two, that without the right to monopolise production there will be no incentive to innovate. Both of these claims have been refuted time and again. Most recently, it has been reported that the technology involved in producing the Moderna vaccine in the U.S. emanated out of basic research conducted by the National Institutes of Health, a federal government agency, and other publicly funded universities and organisations. Similarly, public money accounted for more than 97% of the funding towards the development of the Oxford/AstraZeneca vaccine. Big pharma has never been forthright about the quantum of monies funnelled by it into research and development. It's also been clear for some time now that its research is usually driven towards diseases that afflict people in the developed world. Therefore, the claim that a removal of patents would somehow invade on a company's ability to recoup costs is simply untrue. The second objection — the idea that patents are the only means available to promote innovation — has become something of a dogma. But other appealing alternatives have been mooted. The economist Joseph Stiglitz is one of many who has proposed a prize fund for medical research in place of patents. Under the current system, “those unfortunate enough to have the disease are forced to pay the price... and that means the very poor in the developing world are condemned to death,” he wrote. A system that replaces patents with prizes will be “more efficient and more equitable”, in that incentives for research will flow from public funds while ensuring that the biases associated with monopolies are removed. The unequal vaccine policy put in place by the Indian state is indefensible. But at the same time, we cannot overlook the need for global collective action. If nation states are to act as a force of good, they must each attend to the demands of global justice. The pandemic has demonstrated to us just how iniquitous the existing world order is. We cannot continue to persist with rules granting monopolies which place the right to access basic healthcare in a position of constant peril. In its present form, the TRIPS regime, to borrow the law professor Katharina Pistor's words, represents nothing but a new form of “feudal calculus”.

INTELLECTUAL PROPERTY WAIVER FOR COVID-19 VACCINES

The United States on Wednesday announced support for waiving intellectual property protection for Covid-19 vaccines, saying extraordinary circumstances call for extraordinary measures. United States Trade Representative Katherine Tai said the US will pursue “text-based negotiations” on the waiver at the World Trade Organization (WTO). Text-based negotiations involve negotiators exchanging texts with their preferred wording and then thrashing out a consensus on the working — a fairly long-drawn affair. Negotiations are expected in a mix of virtual and in-person meetings. They “will take time given the consensus-based nature of the institution and the complexity of the issues involved”, Tai said. All 164 WTO members must agree on the draft, and any one member can veto it. The European Union, which had earlier opposed the waiver, has now stated its intent to discuss the US-backed proposal.

What does the intellectual property waiver for Covid-19 vaccines mean?

The IP waiver might open up space for production of Covid vaccines with emergency use authorisations (EUA) — such as those developed by Pfizer, Moderna, AstraZeneca, Novavax, Johnson & Johnson and Bharat Biotech — on a larger scale in middle-income countries. Most production is currently concentrated in high-income countries; production by middle-income countries has been happening through licensing or technology transfer agreements. Ramping up production



capacities will be a lengthy process — a reason being cited by pharmaceutical companies against the move. Most analysts expect this to take at least a few months; *it is likely the agreement will be targeted by the WTO's next ministerial conference in end-November. The US support for an IP waiver stems from a proposal by India and South Africa in the WTO last year.* That proposal had, however, called for a waiver on all Covid interventions, including testing diagnostics and novel therapeutics. Experts said the IP waiver proposal should include other interventions going forward. Amid the pandemic, the “widest possible” access to these interventions is limited by production capacity as well as the propensity of high-income countries to acquire “most of the supplies”, Public Health Foundation of India president Prof K Srinath Reddy said. *Countries including Canada, South Korea, and Bangladesh have shown interest in making Covid vaccines if they can get a patent waiver*, Prof Reddy said.

What are the deterrents for the waiver?

In a joint letter to US President Joe Biden in March, pharma companies including Pfizer and AstraZeneca had opposed the proposed waiver — saying eliminating IP protections would “undermine the global response to the pandemic”, including the ongoing efforts to tackle new variants. It could also create confusion that could potentially undermine public confidence in vaccine safety and create a barrier to information sharing, they had said. And, “most importantly, eliminating protections would not speed up production.” *Microsoft founder Bill Gates has expressed reservations against tweaking IP rules and sharing Covid-19 vaccine technologies.* “The thing that’s holding things back, in this case, is not intellectual property. It’s not like there’s some idle vaccine factory, with regulatory approval, that makes magically safe vaccines,” Gates said in a recent interview to Sky News. *His justification for not sharing vaccine tech with developing countries is “that it would not be feasible for a company to move vaccines to a developing nation”.* Gates mentioned India, and said that even if the transfer were to happen, it is because of “our grants and expertise”. The argument that these countries do not have the capacity to speedily produce vaccines goes against earlier moves towards a patents regime for generic drugs. Experts said the same reasoning can be used now for the production of vaccines. *“They will question the capacity and quality. But a number of companies from different countries have said they are ready to produce, and quality can always be assessed. Between 1972 and 2005, India had adopted process patenting rather than product patenting, and built up a huge generic industry. If western companies are interested in contracting Indian companies for manufacturing their vaccines in India, then how can they say you do not have the quality to produce on your own?”* Prof Reddy said.

What was the earlier proposal from India and South Africa?

In October 2020, India and South Africa had asked the WTO to waive certain conditions of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement that could impede timely access to affordable medical products to combat Covid-19. The countries had asked the TRIPS Council to recommend, “as early as possible”, a waiver on the implementation, application and enforcement of four sections in the second part of the agreement. These sections — 1, 4, 5, and 7 — pertain to copyright and related rights, industrial designs, patents, and the protection of undisclosed information. The proposal had said that developing countries “especially”, may face institutional and legal difficulties when using flexibilities available in the TRIPS Agreement.



What are patents and IP rights?

A patent represents a powerful intellectual property right, and is an exclusive monopoly granted by a government to an inventor for a limited, pre-specified time. It provides an enforceable legal right to prevent others from copying the invention. Patents can be either process patents or product patents. A product patent ensures that the rights to the final product is protected, and anyone other than the patent holder can be restrained from manufacturing it during a specified period, even if they were to use a different process. A process patent enables any person other than the patent holder to manufacture the patented product by modifying certain processes in the manufacturing exercise. India moved from product patenting to process patenting in the 1970s, which enabled India to become a significant producer of generic drugs at global scale, and allowed companies like Cipla to provide Africa with anti-HIV drugs in the 1990s. But due to obligations arising out of the TRIPS Agreement, India had to amend the Patents Act in 2005, and switch to a product patents regime across the pharma, chemicals, and biotech sectors.

Besides patents, what are the other roadblocks to scaling up production?

The International Federation of Pharmaceutical Manufacturers & Associations (IFPMA) has pointed to other “real challenges” in scaling up production and distribution of Covid-19 vaccines. These include trade barriers, bottlenecks in supply chains, scarcity of raw materials and ingredients in the supply chain, and the unwillingness of rich countries to share doses with poorer nations. The scarcity of raw materials has been a growing issue for ramping up production; several manufacturers have been relying on specific suppliers, and alternatives are limited. Also, *countries like the US had blocked exports of critical raw materials used in the production of some Covid-19 vaccines using regulations like the American Defence Production Act.* This led to a delay in the production of Covid vaccines by some companies in India. Mahima Datla, managing director of Biological E, which is making the J&J vaccine in India, had said US suppliers have told global clients they may not be able to fulfil their orders because of the Act, according to a report in the Financial Times. Vaccine makers such as Adar Poonawalla of Serum Institute of India (SII) had said that the use of the DPA had blocked exports of plastic bags, filters, and certain media used in the production of its version of the Novavax vaccine. On April 25, the White House said the US had identified sources of “specific raw material” that were “urgently” required for the manufacture of Covishield, SII’s version of the AstraZeneca vaccine, and they would be “immediately” made available for India.

THE FIG LEAF OF PATENT PROTECTION HAS TO DROP (PROF. K. SRINATH REDDY, A CARDIOLOGIST AND EPIDEMIOLOGIST, IS PRESIDENT, PUBLIC HEALTH FOUNDATION OF INDIA (PHFI))

The decision of the President of the United States, Joe Biden, to support the India-South Africa proposal, seeking a waiver of patent protection for technologies needed to combat and contain COVID-19, comes as a shot in the arm for global health. The proposal that was placed before the World Trade Organisation (WTO) had been facing resistance from several high income countries including the U.S. administration. A change in the American position supporting a temporary waiver could act as a catalyst for building consensus in favour of that proposal when it comes up



for fresh consideration at the WTO in June. However, the path ahead is not clear. *While France and Russia have declared support, Germany has voiced its opposition.*

Predictable responses

Response to the proposal was divided during earlier debates at the WTO. *While many low and middle income countries supported it, resistance came from the U.S., the United Kingdom, the European Union, Switzerland, Australia and Japan. A strange addition to this group was Norway, which usually supports initiatives that promote global health equity.* On this occasion, it chose to shield patent rights. Since the WTO operates on consensus rather than by voting, the proposal did not advance despite drawing support of over 60 countries. Predictably, the pharmaceutical industry fiercely opposed it and vigorously lobbied many governments. Right-wing political groups in the high income countries sided with the industry. *Microsoft co-founder and billionaire Bill Gates was strident in his opposition to patent waivers for vaccines, justifiably drawing ire from the public health community for a stance that was at great variance from his projected image as a messiah of global health. It appeared that patent rights would be doggedly defended even in the face of a devastating pandemic.*

Hollow reasons

Many specious reasons were offered for such a defence. It was argued that the capacity for producing vaccines of assured quality and safety was limited to some laboratories and that it would be hazardous to permit manufacturers in low and middle income countries to play with technologies they cannot handle. *This smacks of hypocrisy when pharmaceutical manufacturers have no reservations about contracting industries in those countries to manufacture their patent-protected vaccines for the global market. The low labour costs in those countries are obviously so attractive that confidence in the quality and the safety of their products is high, so long as patents and profits are protected. This amazing duplicity has been seen for years when multinational firms have subcontracted manufacture of patented products to industries with low production costs in developing countries.* This has been true of pharmaceutical products, as it has been of branded consumer products and luxury goods. This fig leaf has to drop, at least in a pandemic. *The counter to patent waiver is an offer to license manufacturers in developing countries, while retaining patent rights. This restricts the opportunity for production to a chosen few. The terms of those agreements are opaque and offer no assurance of equity in access to the products at affordable prices, either to the country of manufacture or to other developing countries.* It was also stated that developing countries could be supplied vaccines through the COVAX facility, set up by several international agencies and donors. While well intended, it has fallen far short of promised delivery. *Some U.S. States have received more vaccines than the entire Africa has from COVAX. The trickle down theory does not work well in the global vaccine supply, just like its dubious application in economics.* Critics of a patent waiver say there is no evidence that extra capacity exists for producing vaccines outside of firms undertaking them now. *Even before the change in the U.S.'s position, manufacturers from many countries expressed their readiness and avidly sought opportunities to produce the approved vaccines. They included industries in Canada and South Korea, suggesting that capable manufacturers in high income countries too are ready to avail of patent waivers but are not being allowed to enter a restricted circle.* The World Health Organization's mRNA vaccine technology transfer hub has already drawn interest from over 50 firms. Instead of arguing that capacity is limited, should not high income countries and other donors be supporting the growth of more



capacity to meet the current and likely future pandemics? *They should learn from the manner in which India built up capacity and gained a reputation as a respected global pharmacy by moving from product patenting to process patenting between 1970 and 2005.*

China line, safeguards

Patent waivers are also dismissed as useless on the grounds that the time taken for their utilisation by new firms will be too long to help combat the present pandemic. Who can set the end date for this pandemic, when many countries have low vaccination rates and variants are gleefully emerging from unprotected populations? If the world boasts of the speed with which previously little known companies produced vaccines in record time in 2020, why not support others to develop that capacity through technology transfer? *Efficacy and safety of their products can be assessed by credible regulatory agencies and the World Health Organization.* Patent waivers will benefit by increasing access not just to vaccines but also to essential drugs and diagnostics. Surely, that will not take much time. *An argument put forth by multinational pharmaceutical firms is that a breach in the patent barricade will allow China to steal their technologies, now and in the future. The original genomic sequence was openly shared by China, which gave these firms a head start in developing vaccines. Much of the foundational science that built the path for vaccine production came from public-funded universities and research institutes. Further, what use is it to hold on to patents when global health and the global economy are devastated?* Who will buy their precious products then? The perennial argument, offered for defending patent protection, is that innovation and investment by industry need to be financially rewarded to incentivise them to develop new products. *Even if compulsory licences are issued bypassing patent restrictions, royalties are paid to the original innovators and patent holders. They will continue to gain revenue, though not super profits. Pfizer's vaccine generated \$3.5 billion in revenue in the first quarter of 2021, while mostly reaching the arms of the world's rich. It expects \$15 billion sales this year. Moderna says it expects sales of \$18.4 billion in 2021. The incentive to protect profits is very strong indeed.*

Building on Biden's gesture

The World Trade Organization resolves debates by consensus and not by voting. The process may drag on, despite U.S. intervention. If Mr. Biden succeeds in driving consensus to provide a global thrust to combat a global threat, he will match Franklin D. Roosevelt's leadership in the Second World War. He does not have such an alliance in place now. So, *developing countries must take heart from his gesture and start issuing compulsory licences. The Doha declaration on TRIPS flexibilities permits their use in a public health emergency.* National governments must be trusted to promote credible companies and not permit fly-by-night operators. High-income countries and multilateral agencies should provide financial and technical support to enable expansion of global production capacity. That will reflect both ennobling altruism and enlightened self-interest.

CLEARED FOR INDIA, ANTIBODY COCKTAIL DONALD TRUMP USED

An investigational antibody cocktail, from Switzerland-based drug-maker Roche, has got approval from India's Central Drugs Standards Control Organisation (CDSCO) for use in emergency situations for treatment of Covid-19. Former US President Donald Trump had taken the drug when he contracted Covid-19 in October last year.



What is the cocktail?

It is a cocktail of two antibodies, casirivimab and imdevimab, and is used for the treatment of mild-to-moderate Covid-19 in high-risk patients. Casirivimab and imdevimab are *monoclonal antibodies* — or laboratory-made proteins that mimic the immune system's ability to fight off harmful pathogens such as viruses. *Casirivimab and imdevimab are specifically directed against the spike protein of SARS-CoV-2, designed to block the virus's attachment and entry into human cells.* "Due to the specific engineering of two neutralising antibodies, which bind to different parts of the virus spike, the cocktail remains efficacious against widest spread variants and reduces the risk of losing its neutralisation potency against new emerging variants," Roche said in a statement.

Who is it for?

The cocktail is to be administered for the treatment of mild to moderate Covid-19 in adults and paediatric patients (12 or older) who are at high risk of developing severe disease. It is approved at a combined dose of 1200 mg (600 mg of each drug) administered by intravenous infusion or subcutaneous route. It has to be stored at 2°C to 8°C. High-risk includes patients over 60 and/or those who have various comorbidities, such as cardiovascular disease, chronic lung or kidney disease, diabetes etc.

How effective is it?

Roche announced that a large phase 3 global trial in 4,567 high-risk non-hospitalised Covid-19 patients met its primary endpoint, showing that *the cocktail significantly reduced the risk of hospitalisation or death by 70% compared to placebo. Casirivimab and imdevimab also significantly shortened the duration of symptoms by four days, it said.*

Where else is it used?

The drug currently has received Emergency Use Authorisation (EUA) in the US, where Trump had taken the drug when he contracted the disease, and the European Union. Roche said the approval granted in India was based on the data that have been filed for the EUA in the US, and the scientific opinion of the Committee for Medicinal Products for Human Use (CHMP) in the European Union.

WHO APPROVES MODERNA VACCINE FOR EMERGENCY USE

The World Health Organization has given the go-ahead for emergency use of Moderna's COVID-19 vaccine. The mRNA vaccine from the U.S. manufacturer joins vaccines from AstraZeneca, Pfizer-BioNTech and Johnson & Johnson in receiving the WHO's emergency use listing. Similar approvals for China's Sinopharm and Sinovac vaccines are expected in the coming days and weeks, WHO has said. The greenlight for Moderna's vaccine, announced late on Friday, took many months because of delays that WHO faced in getting data from the manufacturer. *Many countries without their own advanced medical regulatory and assessment offices rely on the WHO listing to decide whether to use vaccines.* The announcement, however, wasn't likely to have an immediate impact on supplies of Moderna's vaccine for the developing world.



CORONAVIRUS: WHAT ARE VARIANTS OF CONCERN?

If manuscripts are copied by hand repeatedly, spelling errors are common. Similarly, when 'genetic scripts' encoded in DNA or RNA are copied repeatedly for virus replication, errors do occur. *RNA viruses are more error-prone than DNA viruses. SARS-CoV-2 genome is single-stranded RNA, and errors — in biology, mutations — occur frequently.* SARS-CoV-2 is new in humans and as it spreads, mutations are very frequent. Emerging variants with higher transmission efficiency become dominant, tending to replace others. Such frontrunners emerge in different geographic communities where the virus is epidemic, spreading widely. Variants were detected in the U.K. and South Africa because genetic studies were systematically done. Brazil variant was discovered in Japan, in travellers from Brazil, and its origin traced back. The ability to detect and track variants hinges on laboratory capacity for whole genome sequencing of viruses. Globally, over 1 million SARS CoV-2 genomes have been sequenced to-date, providing a high resolution, spatio-temporally granular readout of virus evolution. More importantly, this has allowed the identification and documentation of variant viruses with altered properties compared to the virus that started the pandemic. *As the importance of 'variants of concern' (VOC) was appreciated, the Indian SARS CoV-2 Genomic Consortium (INSACOG), a network of ten competent public-sector laboratories for genomic surveillance, was established, and the genetic variant landscape is being surveyed in India.*

Nomenclature schemes

There are three different schemes of nomenclature of SARS-CoV-2 variants. The widely used one is the 'Phylogenetic Assignment of Global Outbreak Lineages' (PANGOLIN) that uses a hierarchical system based on genetic relatedness – an invaluable tool for genomic surveillance. It uses alphabets (A, B, C, P) and numerals starting with 1. Variant lineages are at the emerging edge of the pandemic in different geographies. *Lineage B is the most prolific.* The variants in circulation are B.1; B.1.1; B.1.1.7; B.1.167; B.1.177; B.1.351, B.1.427 and B.1.429. *Lineage P.1 has deviated from the original B.* For convenience, the three most frequent ones are named by their geography of origin — 'U.K. variant' for B.1.1.7; 'South Africa variant' for B.1.351; and 'Brazil variant' for P.1. They had been detected in 2020 — September (U.K.), October (South Africa) and December (Brazil). *Variants in India include the so-called double mutant B.1.617 spreading in Maharashtra and B.1.618 spreading in West Bengal.* Mutations can be pinpointed using the nucleotide position on the genome and the switched amino acids consequent to mutation. *The original pandemic virus (founder variant) was Wu.Hu.1 (Wuhan virus). In a few months, variant D614G emerged and became globally dominant.*

Matters of concern

The 'concern' in VOC comprises three sinister properties – transmission efficiency, disease severity and escape from immunity cover of vaccination. In many countries, including India, the VOC, by virtue of increased transmissibility, have kicked off new wave(s) of epidemic transmission. Unfortunately, at that precise time, as case counts were low, there was widespread relaxation of COVID-appropriate behaviour. Together, this has contributed to a rapidly ascending second wave — daily numbers far exceeding those during the earlier wave. *Regarding virulence (propensity to cause severe/life-threatening disease), the U.K. variant is worse. The South Africa and Brazil variants do not seem to have higher virulence.* The third concern is regarding the immunity cover offered by vaccination using antigens made from D614G variant — which applies to most vaccines in

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



current use. *Lowered efficacy of vaccines was found more with the South African and less with the Brazil variant.* Hence, reinfection can occur in spite of immunity by earlier D614G infection or vaccination. *Vaccine efficacy may be lower now than what was determined in phase-3 trials as VOC were not then widely prevalent.* Fortunately, *mRNA (Pfizer and Moderna) vaccines have broader immunity for different reasons, and they protect better against these two variants.* Karolinska Institute in Sweden created an antigen using new variant RBD peptide with adjuvant, and inoculated monkeys already primed with an older vaccine. The resultant booster response was not only high but also broad, covering new variants. This approach, *called 'hetero boosting'* by a different vaccine, offers a way to manage the 'vaccine-escape' variants until newer vaccines become available.

Lessons learnt

An important lesson the pandemic has taught us in India is the critical importance of biomedical research and capacity building – for saving lives and economic growth. We need a foundation of broad-based research, in universities, medical colleges and biotechnology companies, all of which must be funded, encouraged, appreciated, and talent rewarded. While some endeavours have been initiated, they must take off in a big way, and India must invest heavily in biosciences. After a decade, its products and profit will make us healthier and wealthier.

OUR COVID-19 CONNECTION WITH PRIMITIVE CAVEMEN (BINAY PANDA - PROFESSOR OF BIOTECHNOLOGY AT THE JAWAHARLAL NEHRU UNIVERSITY, NEW DELHI)

Viruses can only survive and multiply in host cells. Therefore, *studying SARS-CoV-2 virus will require studying the host. As the viral genome takes the help of host machinery, understanding the host genome is paramount to studying both susceptibility and protection against the virus in a given population.* This is the main aim of multiple groups and international consortia of researchers like the Severe Covid-19 genome-wide association study Group, the COVID-19 *Host Genetics Initiative*, and the *Genetics of Mortality in Critical Care (GenOMICC)*. A series of published studies from these consortia shed light on the host genome's role in viral infection. These studies, published in NEJM, Nature and MedRxiv *provide cues on how certain host genome regions confer an increased risk of developing the severe disease while others protect against the virus.* Thus, studying the genomes of individuals in a group (for example, a particular genetic population group in India) can make us predict whether the individuals in that group are more or less likely to develop severe disease.

Crucial genes

The recent papers pointed out that a region on host chromosome 3 acts as a significant genetic risk factor towards getting seriously ill and, at the same time, a group of genes on chromosomes 6, 12, 19, and 21 protect us against the virus. Enzymes coded by the OAS gene family on chromosome 12, a component of the interferon-induced antiviral system, are of particular importance as they can act as a drug target against the virus. An independent study from Canada in Nature Medicine corroborated this by showing that a protein from the same component in blood protects against getting severely ill among European ancestry people. Interestingly, evolutionary biologists in Sweden and Germany showed that the regions of host genomes that increase the risk of getting severely ill and protect against the virus were inherited from Neanderthals. How can Neanderthal



genes both increase the risk of getting the severe disease and at the same time protect against the virus? Once, *Neanderthals and modern humans came in contact with each other, and they interbred.* As a result, *genetic content between Neanderthals and humans got mixed in their offspring.* In their first paper, published in Nature, the researchers showed that *modern-day humans share a stretch of 50,000 nucleotides (nucleotides are the basic building blocks of DNA) in chromosome 3 with Neanderthals.* It is this stretch that increases their risk of getting severe COVID-19. *They predicted that having a copy of this region of chromosome 3 nearly doubles the risk of getting severe COVID-19.*

Push-pull effect

The same researchers published a second paper in PNAS showing that a part of host chromosome 12, previously shown to protect against the virus, also was inherited from Neanderthal genomes. While specific genes from Neanderthals are working against the virus and protecting us from getting a severe disease, others are associated with an increased risk of getting critically ill. This push and pull effect may be one of the intriguing facts about how the selection of genes happens during evolution. These studies have special significance to India. *About 50% of South Asians carry the region in chromosome 3 from Neanderthal genomes, the same region that make us more prone to getting severely sick with the virus. On the good Neanderthal gene front, nearly 30% of South Asians bear the chromosome 12 region that protects us from getting severely ill.* As Indians are a diverse genetic group, *the above risk was determined using samples used previously in an international consortium called the 1,000 genome project.* The project is represented by Indian Gujaratis and Telugus, Pakistani Punjabis, and Bangladeshi Bengalis in the South Asian group. These recent studies only validate what the legendary evolutionary biologist Theodosius Dobzhansky wrote in his famous essay, “nothing in biology makes sense except in the light of evolution,” and makes perfect sense when one thinks about the evolution of host genomes concerning SARS-CoV-2 infection.

ROCHE GETS EMERGENCY-USE AUTHORISATION FOR COVID DRUG

Roche India on Wednesday said it has received emergency-use authorisation (EUA) from the Central Drugs Standards Control Organisation for antibody cocktail (Casirivimab and Imdevimab) indicated for treatment of mild to moderate COVID-19. The EUA will enable Roche to import the globally-manufactured product to India, where it has a partnership *with Cipla* to market and distribute the same. *The approval was based on the data filed for the EUA in the U.S and the scientific opinion of the Committee for Medicinal Products for Human Use (CHMP) in the European Union.* Roche said the antibody cocktail is to be administered for the treatment of mild to moderate COVID-19 in adults and paediatric patients (12 years of age or older, weighing at least 40 kg) who are confirmed infected with SARS-CoV2 and at high risk of developing severe COVID-19 disease. “Neutralising antibody cocktails like Casirivimab and Imdevimab can play a role in the fight against COVID-19,” said V. Simpson Emmanuel, Managing Director of Roche Pharma India. “*This outpatient treatment will be complementary to the ongoing vaccination drive and support our fight against the pandemic in India,*” he added. The drug will be available through leading hospitals and COVID treatment centres. *Casirivimab and Imdevimab is approved at a combined dose of 1,200 mg (600 mg of each drug) administered by intravenous infusion or subcutaneous route. It has to be stored at a temperature ranging from 2 °C to 8 °C.*



FDA TO APPROVE SHOT FOR ADOLESCENTS

The U.S. Food and Drug Administration (FDA) is set to approve the use of the Pfizer-BioNTech two-dose mRNA COVID-19 vaccine for adolescents aged between 12 and 15 years, according to reports in the American press. The roll-out could begin as early as next week. More than 131 million shots of the Pfizer vaccine have been used to date in the U.S., and the extension to adolescents could assist with school re-opening later this year. *The Pfizer-BioNTech vaccine — one of two mRNA vaccines (the other is from Moderna) that have Emergency Use Authorisation (EUA) in the U.S. for use in people 16 years and older — is likely to be cleared for EUA for adolescents as early as this week, as per reports, which were based on comments from FDA officials.* The day after the FDA's expected approval, the U.S. Centers for Disease Control and Prevention (CDC) will likely meet to give the vaccine the go-ahead for use in adolescents, the New York Times reported. The FDA declined to put a timeline to the approval. "The FDA's review of Pfizer's request to amend its emergency use authorisation (EUA) in order to expand the age range for its COVID-19 vaccine to include individuals 12-15 years of age is ongoing," Stephanie Caccamo, an FDA spokesperson, said, as per the Washington Post. Of 2,260 adolescents who participated in a Pfizer clinical study, none who were fully vaccinated got COVID-19, compared to 18 cases in the group that got placebos, the company had reported in March.

Less susceptible

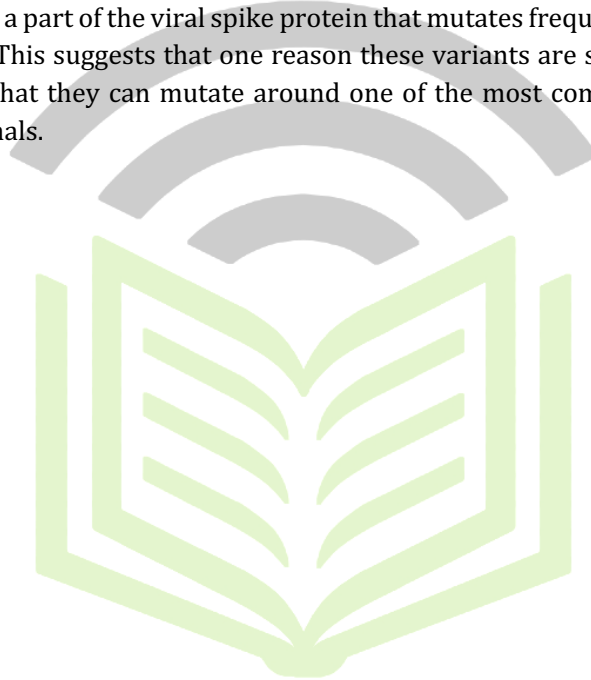
While children can get COVID-19, data available over the past year indicates that they are significantly less susceptible than adults. However, the proportion of children in overall infections has been rising in the U.S., partly because older adults are getting vaccinated. Moderna is also expected to release the results of a U.S. vaccine study on 12-17-year-olds in the summer. Moderna, Pfizer-BioNTech trials for children 6 months and older are also under way. Another company, Novavax, which expects to seek approval for its vaccine in the second quarter of this year, has also expanded its clinical trials to include children in the 12-17 age group. Pfizer was seeking an "expedited approval pathway" for its vaccine in India, Pfizer CEO Albert Bourla said in a May 3 social media post. The vaccine is currently not approved for any age group in India. "Unfortunately, our vaccine is not registered in India, although our application was submitted months ago," Mr. Bourla said in the post. *In April, the government relaxed conditions for foreign vaccine use in the country, by permitting foreign vaccine manufactures to conduct clinical trials in India within 30 days of being given EUA (rather than before the fact). Pfizer announced in February that it had withdrawn an earlier application for EUA in India where it had not met the drug trial requirements in place at the time.*

HOW IMMUNE SYSTEM BLANKETS CORONAVIRUS WITH ANTIBODIES

When someone is infected with SARS-CoV-2, their body produces antibodies against the virus. Scientists have now come up with the most complete picture yet is coming into focus of how these antibodies work to neutralise the part of the virus responsible for causing infection. Researchers at The University of Texas at Austin (UTexas) describe the finding in the journal Science. *Previous research focused on one group of antibodies that target the most obvious part of the coronavirus's spike protein, called the receptor-binding domain (RBD). Because the RBD is the part of the spike that attaches directly to human cells and enables the virus to infect them, it was assumed to be a*



primary target of the immune system. But, testing blood plasma samples from four people who recovered from SARS-CoV-2 infections, the researchers found that most of the antibodies circulating in the blood — on average, about 84% — target areas of the viral spike protein outside the RBD — and, apparently, for good reason. “We found these antibodies are painting the entire spike, both the arc and the stalk of the spike protein, which looks a bit like an umbrella. The immune system sees the entire spike and tries to neutralise it,” researcher Greg Ippolito, a molecular bioscientist, said in a statement from UTexas. Many of these non-RBD-directed antibodies act as a potent weapon against the virus by targeting a region in a part of the spike protein located in what would be the umbrella’s canopy called the N-terminal domain (NTD). These antibodies neutralise the virus in cell cultures and were shown to prevent a lethal mouse-adapted version of the virus from infecting mice. The NTD is also a part of the viral spike protein that mutates frequently, especially in several variants of concern. This suggests that one reason these variants are so effective at evading our immune systems is that they can mutate around one of the most common and potent types of antibody in our arsenals.



DreamIAS