



Rein in the vaccine nationalism, the profiteering

Crux: It is a crime against humanity to make a profit during any human tragedy. On the contrary, there is (and should be) empathy and concern about human suffering. The WTO has a role in getting pharma firms and countries to treat vaccines and life-saving medicines as a public good

Business out of suffering

The COVID-19 pandemic is also a human tragedy and needs global solidarity. The business lies in selling technologies around COVID-19, the diagnostics, drugs and vaccine candidates. This is where organisations of the United Nations and global networks for people should come together in one voice.

Vaccine Nationalism and Mechanisms that can help

We cannot allow the rich and the strong to grab everything first. The advance purchase agreements that some countries have negotiated with pharmaceutical companies exemplify such adverse trends. Such vaccine nationalism undermines equitable access to vaccines. There has to be prioritisation for high-risk groups in all countries, especially in the least developed, low- and middle-income nations. That framework has to be accepted by the global community without dispute. In this, the COVAX partnership is a mechanism for ensuring that.

Ways to ensure equitable access to Vaccine and drugs

1. The World Health Assembly, in May 2020, in cognisance of the obstacles to equitable access to COVID-19 technologies such as vaccines, diagnostics, medicines, PPE kits and machines, set up mechanisms (like COVAX) to counter it.
2. The Global Alliance for Vaccine Initiative (GAVI) ensures the pooled procurement and equitable supply of life-saving vaccines to low- and middle-income countries. It has been roped in for the COVID-19 vaccine too.
3. A public good (Vaccine, Drugs) cannot be submitted to the vagaries of market fluctuations of pricing dependent on demand-supply dynamics. Governments should be the custodian of public goods.

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4. Also, some regulation mandated by the UN General Assembly must be thought of.
5. The WTO had made provisions for compulsory licensing of life-saving drugs in certain circumstances.

A chance to act for WTO

The WTO can go for a waiver of the protection of copyright, design, trademarks and patent on COVID-19 related technologies including vaccines. If this is decided favourably as a special case considering the unprecedented impact of the pandemic, it will set a precedent. A UN organisation such as the WTO can wield influence on member-nations to forgo trade profits for a humanitarian cause. Global campaigns through the media and civil society organisations can garner enough momentum to exert pressure on TRIPS.

Conclusion: Long Term Goal

This is a pragmatic step for the time being. But having nothing less than vaccines and life-saving medicines being treated as a public good must definitely be the long-term goal.

A clear reading of the Ayurveda surgery move

Bottom line: India needs its Ayurveda graduates, including surgeons, to improve the common man's access to decent health care

Response to notification

A notification has been released by the Central Council of Indian Medicine identifying surgical procedures that can be performed by post-graduate Ayurvedic doctors in Shalya (surgery) has stirred up a hornet's nest.

Ayurvedic reality: Identity Crisis

1. The degree in Ayurvedic medicine became largely an Ayurveda course. However, it was necessary out of a practical career compulsion to teach the basics of modern medicine to these graduates. Most Ayurvedic graduates entered general practice.



2. As modern medicine made rapid strides, Ayurvedic graduates experienced an identity crisis. They could not but practise allopathy which most of them do. And became an important cog in the modern medicine machine.
3. More importantly, several of them went on to work in rural and under-served areas. Some set up nursing homes. In health care, availability is often more important than quality, specialisation and such extravagant ideas.
4. During COVID-19, a large number of the quarantine centres were manned by these doctors. All this is not a rationalisation but an explanation which we ought to know.

Ayurvedic Surgeon

1. In an effort to develop postgraduate programmes, Ayurveda medical colleges developed one in “Shalya’ or “surgery”. This is awkward as unlike the vast pharmacopoeia, there is really nothing called Ayurvedic surgery.
2. The controversial notification by the Central Council of Indian Medicine authorises an MS (Ayurved) Shalya Tantra, or General Surgery postgraduate degree holder on completion of his course to perform 58 surgical procedures. Some of the procedures in the list are rather complicated. For Ayurvedic surgeons to do it is an obvious overkill.

A silver lining

1. Ayurveda graduates including surgeons are a large workforce in search of an identity. India needs them. If they are creatively and properly trained, they can play important roles in our health-care system.
2. On-site or ambulance care of trauma victims is in shambles in India. It is effectively delivered by trained paramedics in many countries. Given the right training, pay and identity, Ayurvedic surgeons can be trained to strengthen this service and save hundreds of lives.
3. We urgently need a serious discussion about utilising India’s large workforce of non-MBBS doctors to improve access to decent health care for our ordinary citizens, then it is well worth our time.

Background:

1. The Central Council of Indian Medicine is a statutory body under the Indian Medicine Central Council Act, and “which regulates the Indian Medical systems of Ayurveda, Siddha, Sowa-Rigpa and Unani Medicine.



2. We know about Sushruta and his surgical dexterity at a time when the world had not yet woken up to the art and the science of surgery. There are detailed descriptions in the Sushruta Samhita, the ancient Sanskrit text on medicine and surgery, or procedures such as rhinoplasty where the nose is reconstructed with tissue from the cheek. It was thousands of years later that modern plastic surgeons described this procedure.

Policing faith

Bottom line: Anti-conversion laws that bar intermarriages will lead to the path of social regression

Highlights:

1. The proposed Uttar Pradesh ordinance seeking to prohibit “unlawful” religious conversions represents a regressive march towards unacceptable medievalism and a reprehensible zeal to police the private lives and beliefs of citizens.
2. It eschews the phrase “freedom of religion” that several other anti-conversion laws in other states have employed to title their laws.
3. However, apparently inspired by similar legislation in Himachal Pradesh and Uttarakhand, it has sought to include “alluring into marriage” as an additional ground for declaring an instance of religious conversion as illegal, apart from the use of “force, coercion, undue influence and deceit”.

The Apex Court: Stanislaus Case (1977)

1. While upholding the validity of the Freedom of Religion Acts of Madhya Pradesh and Odisha, in Stanislaus (1977), the Supreme Court had held that the “right to propagate” religion did not include the “right to convert”.
2. However, those early laws did not bar conversions by marriage. The Himachal Pradesh, Uttarakhand, and the proposed U.P. law would be vulnerable on that score.
3. After the Court’s “right to privacy” judgment, and the Shafin Jahan-Hadiya case (2018), it would be no more constitutional to use “marriage” as a ground for prohibiting conversion, as it involves the rights of privacy, choice and marital freedom.



4. Further, all such previous laws were seen as “public order” legislation — the claim is that “forced” or “fraudulent” conversions lead to disturbance of order.
5. An interfaith marriage, by itself, is unlikely to be seen by the courts as an event impinging on public order.
6. Further, the provision on a mandatory prior declaration of an intent to convert is similar to the one struck down by the Himachal Pradesh High Court in 2012 as violating the right to keep one’s faith a secret.

Conclusion

It is disconcerting that several States are keen to join this bandwagon against inter-marriages despite its potential for deepening social discord and communal divides.

Storm warnings

CruX: Governments can handle cyclones better by investing in town planning and infrastructure

Highlights:

1. Cyclone Nivar raised fears of another epic disaster for millions of coastal residents in the south, but its passage overland was less destructive than anticipated.
2. The reported loss of at least three lives is a relatively low toll for such a large-scale weather system, although property and agriculture have suffered considerable damage from the fierce winds and massive volume of rain it dumped in Tamil Nadu and Puducherry.
3. Citizens and the government were fearful of a deluge that could be a repeat of the 2015 flood.
4. There was also a welcome emphasis on periodic alerts and warnings. The IMD has been getting better at forecasting slow-moving, linear tropical cyclones in the Bay of Bengal, and multiple satellites now provide cyclone data.
5. The deployment of over two dozen NDRF teams and disaster management equipment along the coast reassured civic agencies.



Way Forward

1. A sustainable solution is required to Chennai's (and Other megacities) evident civic decay.
2. There is extensive documentation on the loss of its floodplains, lakes and peri-urban wetlands to encroachment in Chennai and elsewhere, a key factor that is exacerbating monsoon flooding. This land grab should be stopped.
3. The Governments must rigorously collect and publish data on annual flooding patterns, and measure the peak flows in the neglected rivers and canals to plan remedies.
4. Appalling indifference to land use norms has spawned an amorphous housing sector characterised by inflated, speculative prices but no foundation of civic infrastructure.
5. To keep Indian Cities competitive, governments and local bodies should hardwire urban planning and invest heavily for a future of frequent disruptive weather.

Are tougher laws the answer to check online abuse?

News: Following widespread criticism, the Kerala government has decided to withdraw an Ordinance that gives unbridled powers to the police to arrest anyone expressing or disseminating any matter that it deems defamatory. However, the move to introduce such a law in the first place shows that State governments believe that existing laws are not adequate to deal with social media abuse.

Legal Adequacy and enforcement deficit

1. We have the Indian Penal Code (IPC) that criminalises speech that is obscene, defamatory, that insults the modesty of women and intrudes upon her privacy.
2. It punishes anonymous criminal intimidation, it punishes voyeurism, it punishes digitally-enabled stalking, hate speech, and even non-consensual sharing of sexual images online.
3. In addition to that, you have the Information Technology Act of 2000 that punishes speech that is obscene.



4. The IT Act also places obligations on intermediaries, where intermediaries have a duty of due diligence; they have to take down content based on a request by the government or court order.
5. So, there is a strong and wide gamut of laws that covers all of these offences.

The Criminal Justice System

1. State governments must be focused on improving the criminal justice system in order to make it easier for women to be able to access the system to make complaints, and for the police to be able to prosecute the complaints properly.
2. Enforcement and implementation of existing laws are not very good. It's common knowledge that it's generally not very easy for victims or individuals to file and proceed with complaints.
3. Given the massive usage of the Internet in India, the huge amounts of hate speech online or what you and I would normally recognise as hate speech, there is a really low number of cybercrimes as per the NCRB (National Crime Records Bureau) data.
4. In 2017, for example, there were only about 21,000 cases in India, which is a huge jump from the 12,000 odd cases in 2016. But that still appears to be a fairly low number in the Indian context.

Online Hate Speech

There is no doubt that there is a problem with hate speech in the online space. This is something that's been discussed at various levels of government. In fact, in 2017, the Law Commission of India recommended that two new provisions be introduced to the IPC to specifically deal with online hate speech. The Central government has also initiated consultations on amendments to the IT Act.

Intermediaries

A lot of the public discussion has focused on how intermediaries need to do more to make the Internet a safer place. To this end, there have been some efforts to amend existing legal frameworks. Two are worth mentioning.

1. The first was called the Social Media Accountability Bill and it sought to impose a range of obligations on social media platforms, and also create a



new regulator to oversee the space. However, the Bill wasn't actually taken up by Parliament.

2. Then there were proposed changes to the intermediaries rules under the IT Act that were released to the public in December 2018.
3. These amendments basically sought to increase the number of obligations on intermediaries of all types, so they would be required to use automated tools to filter illegal content and would also be required to ensure the liability of all the users and so on.
4. The draft faced a lot of criticism from civil society and industry due to the possible chilling effects on free speech, the problems associated with automated filtering of content, and the cost to platforms.
5. So, no new rules have as yet been announced by the government despite the fact that we keep hearing that this may be done any time.
6. In the absence of any changes in the legislative structure, courts and governments have largely resorted to blocking content or forcing intermediaries to take steps to limit the spread of illegal content.