Current Affairs of the Day

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Supreme Court sets up a task force for oxygen allocation

The Supreme Court has constituted a 12-member National Task Force to streamline and ensure the "effective and transparent" allocation of liquid medical oxygen on a "scientific, rational and equitable basis" to the States and the Union Territories fighting COVID-19.

Highlights:

1. The top court had expressed its dissatisfaction at the Centre's earlier "oxygen-for-bed" formula. A Bench, led by Justice D.Y. Chandrachud, in a 24-page order released on Saturday, said the formula should be scrapped and the problem of allocation of oxygen required to be looked into afresh.
2. The court said the decision-makers should go beyond cobbling together ad hoc solutions based on present problems.

The SC ruling on identifying backward classes

The story so far:

1. In the judgment that declared the Maratha reservation unconstitutional, a Constitution Bench of the Supreme Court dealt with another issue.
2. By a 3:2 majority, it ruled that after the passage of the 102nd Constitution Amendment Act in 2018, the States do not have any power to identify 'socially and educationally backwards' (SEBC) classes.
3. The Union government argued that it was never its intention to deprive State governments of their power to identify SEBCs, but the Court interpreted the bare text of the Amendment to the effect that only the President can publish a list of backward classes in relation to each State and that only Parliament can make inclusions or exclusions in it.

What does the 102nd Amendment say?

1. The Amendment established a National Commission for Backward Classes by adding Article 338B to the Constitution. The five-member commission was tasked with monitoring safeguards provided for socially and educationally backward classes, giving advice on their socio-economic development, inquiring into complaints and making recommendations, among other functions.

2. Significantly, it was laid down that the Centre and the States shall consult the Commission on all policy matters concerning the SEBCs.
3. The Amendment also added Article 342A, under which the President shall notify a list of SEBCs in relation to each State and Union Territory, in consultation with Governors of the respective States.
4. Once this 'Central List' is notified, only Parliament could make inclusions or exclusions in the list by law. This provision is drafted in exactly the same word as the one concerning the lists of Scheduled Castes and Scheduled Tribes.
5. Further, a definition of 'SEBCs' was added to the Constitution — 'SEBC' means "such backward classes as are so deemed under Article 342A for the purposes of this Constitution".

Why did this Amendment come up for judicial interpretation?

1. The reservation for the Maratha community was challenged in the Bombay High Court on various grounds. One of the grounds was that the Act creating the Maratha quota through a new category called 'SEBC' was unconstitutional because, after the introduction of the 102nd Amendment, the State legislature had no power to identify any new backward class.
2. Separately, a writ petition was also filed in the Supreme Court questioning the validity of the Amendment as it violated the federal structure and deprived the States of their powers. In this context, the court had to examine the validity of the Amendment.

What next?

1. The Supreme Court has directed the Centre to notify the list of SEBCs for each State and Union territory, and until it is done, the present State Lists may continue to be in use.
2. The Centre may either comply with this or seek to further amend the Constitution to clarify the position that the 102nd Amendment was not intended to denude the States of their power to identify SEBCs.

FCRA hurdle may block foreign COVID aid to hospitals, NGOs

Hitting a hurdle: Hospitals and trusts must have FCRA registration to be eligible for foreign donations. Govt. can grant an exemption for medical donations, experts suggest.

Highlights:

1. Indian entities, including hospitals and charitable trusts, hoping to receive COVID-19 relief material from overseas individual donors or donor agencies, could be in trouble, unless they are registered under the Foreign Contribution Regulation Act (FCRA) with a stated objective involving the provision of medical care.
2. The government permitted imports without GST levies for pandemic relief material donated from abroad for free distribution in the country, delegating States to certify the entities that will receive such imports.
3. However, no exemption has been granted from the FCRA law that requires any domestic entity receiving foreign material or cash donations to have requisite approvals from the Ministry of Home Affairs.
4. Sources said this ambiguity and the prospect of facing prosecution under the FCRA Act's strict provisions are jeopardising some large donors' plans to buy equipment like oxygen plants and concentrators for Indian hospitals and smaller charities and informal groups of persons working in rural areas with weaker health infrastructure.
5. As FCRA approvals take a lot of time, the government needs to urgently grant an exemption for all such donations.

IP rights and vaccines

The story so far:

1. Breaking with a long-held position, the U.S. announced that the Biden administration would support waiving trade-related aspects of intellectual property rights (TRIPS) for the production of COVID-19 vaccines.
2. The news was welcomed by liberal activists and some global leaders, given that the United States was until now a major World Trade Organization (WTO) member blocking such a proposal, framed by India and South Africa.

3. The proposal, if passed by the WTO with the support of the European Union (EU), could dramatically alter how pharmaceutical companies worldwide access proprietary trade know-how for the production of leading vaccines.
4. However, questions remain regarding whether the easing of TRIPS rules for COVID-19 vaccines will lead to a greater supply of efficacious vaccines in countries where they are the most needed, or if less circuitous options to boost supply are more relevant in the present scenario.

What is the argument in favour of relaxing TRIPS rules?

1. The broader context for emergency action aimed at rapidly increasing vaccine availability across the world is the sharp surge in COVID-19 cases in India and Brazil.
2. Global concern also stems from the risk that the Indian variant, believed to be driving the second wave of devastating intensity in the country, could potentially fuel second or third waves across the world, causing a setback to the progress made in controlling transmission across the U.S. and EU.
3. Additionally, Brazil and South African variants still pose a threat in some pockets. Across many affected nations, vaccine availability has emerged as a bottleneck impeding progress.

Can a waiver resolve the vaccine shortage?

1. This is a complex question to which there is, so far, no clear answer. On the one hand, it is undeniable that intellectual property rights are a part of the problem of worldwide vaccine shortages — the logic of a wider production base globally leading to an exponential increase in vaccine production is undeniable. However, several caveats remain.
2. First, there may be serious issues associated with manufacturing vaccines, for example, with those based on messenger RNA (mRNA) technology, if there is just an easing of the associated intellectual property rights rules but no further support to generic pharmaceutical firms in countries such as India and South Africa.
3. This is because a "tech transfer" is also needed for the latter to actually commence production, especially for mRNA vaccines, including the ones produced by Moderna and Pfizer along with BioNTech.

4. To illustrate, Pfizer has pointed out that its vaccine requires the use of 280 components from 86 suppliers and highly specialised manufacturing equipment.
5. Second, there is a strong likelihood that it will take a considerable amount of time, even several years, for generic producers' plants to become operational at optimal capacity.
6. This raises the question of whether today's vaccines would even be relevant at that point in time, especially if new variants prove resistant to vaccine formulations currently available.
7. Finally, there is the classic counter-argument to calls for patent relaxations, that such policies could discourage pharmaceutical companies from investing in producing next-generation vaccines.
8. Though many, including Mr Biden, have argued that humanitarian need trumps the profit motive during a pandemic, the decision to waive all TRIPS rules should be preceded by a rigorous analysis of the effects such a policy would have on biotechnology sector and global supply chains for its products.

What actions are likely?

1. No significant steps forward will be possible until other major member nations of the WTO sign on, including the EU.
2. The speed of potential action will also be dampened by the fact that in parallel to the waivers, a transfer of personnel, raw materials and equipment to developing nations will be necessary.
3. However, there is another possibility: Mr Biden may either intend to release more of the existing U.S. vaccine stockpile to other countries to meet emergency needs and seek the cooperation of pharmaceutical companies in that mission.

Either way, it would be unwise for countries like India to rely on this initiative for an increase in vaccine supply.

E.U., India relaunch FTA talks, sign connectivity partnership

India and the European Union agreed on Saturday to relaunch free trade negotiations by resuming talks that were suspended in 2013 for the Bilateral Trade and Investment Agreement (BTIA).

Highlights:

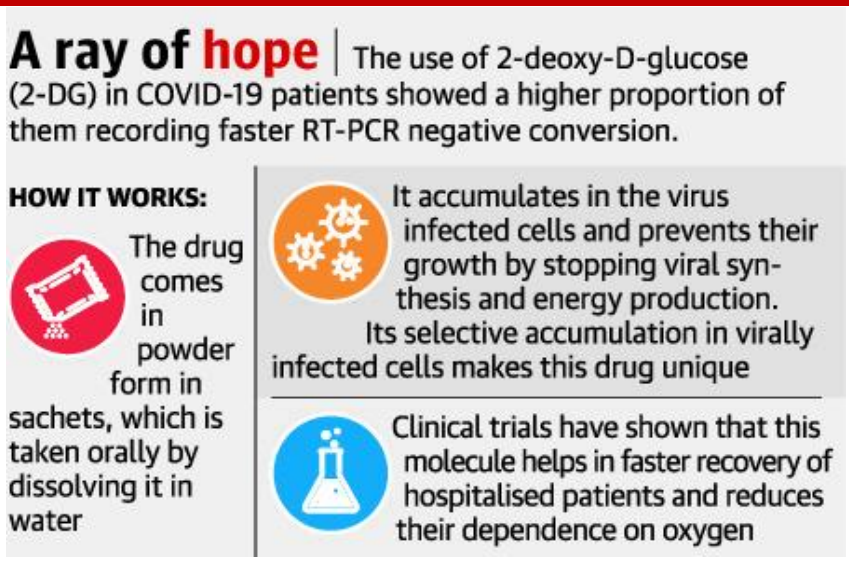
1. The E.U.-India leaders meeting also discussed COVID recovery plans and vaccine cooperation, adopted a Connectivity Partnership document outlining plans to cooperate on digital and infrastructure projects, and signed the contract for the Pune Metro rail project.
2. However, India failed to secure the support of the European leaders for its proposal at the World Trade Organisation at the meeting for patent waivers for the COVID vaccine, and government officials said they hoped to see the E.U. continue to debate the issue.
3. The joint statement issued after the meeting said India and the E.U. agreed to launch negotiations for a "stand-alone" investment protection agreement and a separate agreement on "geographical indications" pertaining to intellectual property rights.

The Bilateral Trade and Investment Agreement (BTIA)

1. The talks had run into trouble over market access issues, and tariffs by India on products like wine, dairy and automotive parts, as well as E.U. resistance over visas for Indian professionals.
2. In addition, the Modi government's decision to scrap all Bilateral Investment Treaties (BITs) in 2015 posed hurdles for new E.U. investments in India.
3. The India-E.U. connectivity partnership signed also committed the two sides to work together on digital, energy, transport, people to people connectivity that was "transparent, viable, inclusive, sustainable, comprehensive, with a rules-based approach".

The partnership is seen as a response to China's Belt and Road Initiative and comes as the E.U.'s negotiations with China on their Comprehensive Agreement on Investment (CAI) have run into trouble.

The anti-COVID-19 drug developed by DRDO gets emergency use nod



The Drugs Controller General of India (DCGI) has granted permission for emergency use of an anti-COVID-19 therapeutic application of the drug 2-deoxy-D-glucose (2-DG), developed by the Institute of Nuclear Medicine and Allied Sciences (INMAS), a lab of the Defence Research and Development Organisation (DRDO), in collaboration with Dr Reddy's Laboratories, Hyderabad.

Highlights:

1. The Ministry of Defence said that as per the order, emergency use of this drug as an adjunct therapy in moderate to severe COVID-19 patients is permitted. It added that being a generic molecule and analogue of glucose, it can be easily produced and made available in plenty in the country.
2. The drug comes in powder form in sachets and is taken orally by dissolving it in water. It accumulates in the virus-infected cells and prevents their growth by stopping viral synthesis and energy production. Its selective accumulation in virally infected cells makes this drug unique.
3. Clinical trial results have shown that this molecule helps in faster recovery of hospitalised patients and reduces supplemental oxygen dependence, noted the release.
4. It further said that a higher proportion of patients treated with 2-DG showed RT-PCR negative conversion in COVID-19 patients.

The WHO approves China's Sinopharm vaccine

The World Health Organization approved the Sinopharm COVID-19 vaccine for emergency use — the first Chinese jab to receive the WHO's green light.

Highlights:

1. The UN health agency signed off on the two-dose vaccine, which is already being deployed in dozens of countries around the world.
2. The WHO has already given emergency use listing to the vaccines being made by Pfizer-BioNTech, Moderna, J&J, and the AstraZeneca jab being produced at sites in India and in South Korea.
3. The WHO recommended that the two Sinopharm shots be taken three to four weeks apart.