



Unwarranted arrest

The arrest of K. Raghu Ramakrishna Raju, an MP from Andhra Pradesh, on the grave charge of sedition, is yet another instance of the misuse of the provision relating to exciting “disaffection” against the government.

Sedition law misuse:

1. The casual resort by the police to the sedition clause continues to cause concern.
2. The police in different States have been invoking sedition, an offence defined in Section 124A IPC, against critics of the establishment and prominent dissenters.
3. It is once again time for a reflection on the need and relevance of the offence of sedition, a colonial-era provision used to imprison people for political writings in support of Indian independence, to remain on the statute book.
4. That State governments and various police departments are known for the casual resort to prosecution under this section is a poor reflection of the understanding of the law among civil servants everywhere.
5. It is now fairly well known that the section is attracted only if there is an imminent threat to public order or there is actual incitement to violence — ingredients that are invariably absent in most cases.
6. In addition, it remains vaguely and too broadly defined (the term ‘disaffection’ is said to include ‘disloyalty’ and ‘feelings of enmity’), warranting a total reconsideration.
7. Recently, the Supreme Court decided to revisit the constitutionality of this section. While a judicial verdict will be welcome, it would be even more protective of free speech if the Centre abolished the provision.

Avoiding breakdown

After a gap of over seven months, the GST Council will now meet in May. That the Council, expected to meet every quarter, has taken possibly the longest pause in its functioning does not set a good precedent.



Highlights:

1. Given the acrimony that transpired in its last few meetings over how the States' GST compensation dues for the pandemic-induced lockdown-dented 2020-21 were to be met, the long break makes Centre-State equations even more awkward.
2. States later reluctantly agreed to the Centre's proposal to raise ₹1.1 lakh crore of GST recompense dues through special market borrowings.
3. In the intervening period, the economy almost surged back to normalcy before being hobbled again by the second wave of infections. And unlike the first wave, there is a greater onus on the States now to figure out everything from what mobility restrictions to put in place, to vaccination sequencing, and the bigger headache of sourcing enough vaccines from within or outside India.
4. It would be necessary to get clarity on the modalities for receiving the ₹63,000 crore GST compensation still due to states, along with this year's dues, in a timely manner.
5. Even more pressing is the demand to drop GST on the material to battle the pandemic, including the 12% tax on oxygen concentrators, 5% on vaccines, and on relief supplies from abroad.
6. In the case of vaccines and critical supplies, the more the imports, the merrier it is now.
7. An accommodative approach from the Centre could ensure India's fiscal federalism framework does not suffer an irretrievable breakdown at this calamitous juncture.

Prioritising the right to life

Need of the Hour: A monthly cash transfer to informal workers will provide them relief and also revive the economy.

Multiple crises

The majority of India's working population is today reeling from the impact of multiple crises:

1. a health emergency more ferocious than any in independent India;



2. massive job losses and dramatic declines in incomes from work; and
3. significantly increased mass hunger and worsening nutrition.

Many failures

1. The Supreme Court in May directed the Centre and the State governments of Punjab, Haryana and Uttar Pradesh to provide free rations without insisting on ID proof to all migrant workers and to run kitchens providing free meals twice a day.
2. The verdict was significant, but it fell short of being path-breaking for three reasons: it did not extend the facility to the country as a whole; it did not extend the facility to cover cash payments by the state besides meals and ration, and it made the facility a state largesse rather than a right.
3. At least 90% of workers are informal, with no legal or social protection, denied adequate compensation over the past year of lockdowns, restrictions and economic distress.
4. The consequences of inaction are going to be dire and long-lasting, not just for people experiencing untold suffering, but for the country and the future economic trajectory.
5. A recent study called 'Hunger Watch' reported that two-third of families eating less than they did before the lockdown, and a reduction in healthy food.
6. For a quarter of the families surveyed, incomes had fallen by half. It also found that hunger was higher in urban India compared to rural. The recent knee-jerk lockdowns will stifle the attempts for revival

Vaccine and right to life:

1. Being vaccinated against COVID-19 is essential for defending one's right to life; and since the state must respect everyone's right to life, it must make the vaccine equally available to all irrespective of the recipient's capacity to pay.
2. This can be accomplished only if vaccination is free. In many other countries, including the most privatised medical systems like the U.S., vaccines are being distributed free to all the people.
3. This is the outcome of many grave failures of the Indian government: it did not ensure adequate production through compulsory licensing of more



producers; it did not order enough vaccines; it reneged on its responsibility to provide these vaccines to State governments; it introduced differential pricing, forcing State governments to compete with each other and with private clinics to buy vaccines; and it allowed price gouging by Bharat Biotech and Serum Institute of India.

A significant fiscal package

1. India is one of the few countries in the world that has not come up with a significant fiscal package to counter the health and economic effects of the pandemic.
2. It has remained fiscally conservative, and actual Central government spending over April 2020 to February 2021 shows a rise in non-interest expenditure only by 2.1% of GDP.
3. This explains why India's economy has been performing so poorly compared to other countries that were more battered by the first wave of the pandemic since most of them had significantly larger fiscal packages that were also directed towards providing income support to people.
4. The multiplier effects of public expenditure on cash transfers to the poor would have been much higher than if spent on infrastructure projects.
5. Free rations and meals, as mandated by the Supreme Court, though beneficial, have very little expansionary effect on the economy, since the bulk of the commodities required to come from the decumulation of existing stocks of foodgrains.
6. Thus, both the need to provide relief and the imperative to revive the economy demands that a monthly cash transfer, of about ₹7,000 per family (the rough equivalent of minimum wages), be made to people, over and above the provision of free meals and rations.

Way Forward:

1. Expanded production and central procurement of COVID-19 vaccines, and distribution to States for free immunisation to all;
2. universal access to free foodgrains of 5 kg per month to all those who require it for the next six months;

18.05.2021

Tuesday



<http://www.sriramsias.com>

3. cash transfers of ₹7,000 per household for at least three months to those without regular formal employment;
4. increased resources to the Integrated Child Development Services to enable revival and expansion of their programmes;
5. making the MGNREGS purely demand-driven, with no ceilings on the number of days or the number of beneficiaries per household;
6. covering urban India with a parallel scheme that would also cater to the educated unemployed.

Walk the talk on TRIPS waiver

CruX: The government should offer Covaxin's technology to domestic pharmaceutical companies and foreign corporations.

1. Member countries of the World Trade Organization (WTO) are under an obligation to ensure that their domestic intellectual property rights (IPR) laws conform to the requirements of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement.
2. When the pandemic hit the globe, India and South Africa piloted the proposal to waive key provisions of the TRIPS agreement on COVID-19 vaccines, drugs, therapeutics, and related technologies.
3. The core idea is that IPRs such as patents should not become barriers in scaling up the production of medical products essential to combat COVID-19.
4. The TRIPS waiver proposal, now backed by the U.S., is essential because it would give immunity to member countries from a legal challenge at the WTO if their domestic IPR laws suspend or do not enforce IP protection on COVID-19 medical products.

Foot-dragging on compulsory licences

1. It is uncertain when the TRIPS waiver would be adopted, or what conditions it would be subjected to.
2. Meanwhile, nothing stops India from using the existing flexibilities under the Patents Act of 1970, such as compulsory licences, which are consistent with the TRIPS agreement, to increase the supply of COVID-19 medical products.

18.05.2021

Tuesday



<http://www.sriramsias.com>

3. While issuing compulsory licences for COVID-19 vaccines in the absence of technology transfer is easier said than done, they can be used to augment the supply of drugs and other therapeutics.
4. For instance, Natco, an Indian pharmaceutical company, has requested a compulsory licence under Section 92 of the Patents Act for Baricitinib, a COVID-19 drug.
5. Likewise, there are demands that compulsory licences be issued for drugs such as Remdesivir to augment supply. Natco's application demonstrates that the option of issuing compulsory licences is available to the government.
6. However, despite the nudging by the judiciary and others, the government inexplicably hasn't made use of compulsory licences in the pandemic. This is ironic because India has historically played a leading role in mainstreaming TRIPS flexibilities like the compulsory licence at the WTO.

Wrong reasoning:

1. To make matters worse, the Central government, in an affidavit filed before the Supreme Court a few days ago, suggests that issuance of compulsory licences will not be effective.
2. Specifically, the affidavit states that the main constraint in boosting the production of drugs like Remdesivir is the unavailability of raw materials and essential inputs.
3. Therefore, the government's stand before the Supreme Court is not only contradictory with India's position at the WTO but also severely undermines it. This would make the TRIPS waiver negotiations arduous.
4. To make its TRIPS waiver stand convincing, the government needs to make aggressive use of Sections 92 and 100 of the Patents Act to license all patents necessary to make COVID-19 medical products, without waiting for a private party to apply for a licence.
5. An assertive posture on compulsory licences would also have the advantage of forcing several pharmaceutical companies to offer licences voluntarily.

Licensing Covaxin

1. India's development of Covaxin is a spectacular scientific achievement. Given the involvement of taxpayers' money in the development of Covaxin, the government has a stake in its IPR.

18.05.2021

Tuesday



<http://www.sriramsias.com>

2. Thus, the government should not only transfer Covaxin's technology to domestic pharmaceutical companies, to boost national supplies, but also offer it to foreign corporations.
3. By unlocking its vaccine technical know-how to the world, India would demonstrate its resolve to walk the talk on the TRIPS waiver.

Licensing Covaxin widely would enable India to live up to its reputation of being the 'pharmacy of the world' and also put pressure on developed countries to transfer their vaccine technology to developing countries. India must take a consistent stand on IPRs on COVID-19 medical products internationally and domestically.