

# The Hindu & BL Editorials

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## Injecting confidence



It is imperative that there is transparency in the approvals process for Covid vaccines. The Centre's concern to rollout a vaccine at the earliest and vaccinate 30 crore people in varying orders of priority is laudable. To this end, the Central Drugs Standard Control Organisation (CDSCO) has cleared for emergency use, the vaccines developed by Astra Zeneca-Oxford (made by Serum Institute of India) and Bharat Biotech (in collaboration with the Indian Council of Medical Research and National Institute of Virology). The assumption is that due diligence has been done while granting approval with respect to safety, efficacy and immunogenicity (capacity to trigger an immune response). Any early setback in the vaccine effort, particularly with respect to frontline workers, can derail confidence. While it is difficult to believe that the CDSCO has not satisfied itself about the safety of the vaccines before granting approval, it will certainly help if it is more transparent about the entire approval process. It is fair to argue that the CDSCO could have taken more time to satisfy itself that the criteria for emergency use — benchmarking them more to the FDA norms than the New Drugs and Clinical Trial Rules, 2019 which follow loosely defined thresholds — have been met. Unlike in the West, India's case load has been falling. Since September 15 when the daily count was about 84,000, the daily active cases in India have gone down to 18,177 as of January 3. In Tamil Nadu, the number of people

testing positive dropped below the 900-mark on January 3, the first time since May 30. In Delhi, the daily count has gone down to 424 in the last 24 hours, the lowest in about eight months.

The clearances have raised questions that the Drugs Controller must address at the earliest. It is not clear if the Subject Expert Committee, on the basis of whose inputs the CDSCO has given its approval, has evaluated efficacy in either vaccine. In the case of the Oxford-Astra Zeneca vaccine it is not clear what data from the foreign trials were used to permit its usage here; likewise, the data on 'bridging' or equivalence trials in India, the very basis for rolling out the vaccine here, must also be shared. Similarly, Bharat Biotech does not seem to have produced data on the phase 3 trials being carried out on over 22,000 people. Given the sensitivity of the issue and the doubts raised by health experts, it is only fair to expect the regulator to clarify.

It is remarkable that India has a choice of vaccines, including several indigenous ones in various stages of development, to fall back on in such a short period of time. This is a tribute to capabilities built by the domestic pharmaceuticals industry over the years. While leveraging on this advantage for the benefit of the country it is imperative that due process is not only followed but also seen to be followed. This is not just about combating a disease but also about winning confidence of the people that the vaccines are safe to take.

## Black and grey: On Pakistan's actions against terrorists

**Pakistan's actions against terrorists keep up appearances, but do not inspire confidence**

The timing of Pakistan's arrest of Zaki Ur Rahman Lakhvi, the LeT operations commander, and linked to the 2008 Mumbai attacks, just ahead of the next meet of global watchdog, the Financial Action Task Force (FATF), has been greeted with scepticism in India. Whenever Pakistan has faced a decision on its "grey list" status, it has carried out similar actions that appear to be aimed more at ensuring a better outcome for itself at the FATF. Its arrest and conviction of Hafiz Saeed and other LeT leaders in terror-financing cases, the passing of anti-terrorism and money laundering laws in the Pakistan Assembly to bring them in line with FATF-mandated international norms, and the publication of new lists of terrorists at various times, all timed before FATF reviews of Pakistan's status, have been cited as more of the same. The FATF's Asia Pacific Joint Group is to meet in January to prepare recommendations for a final decision on Pakistan's status to be presented to the FATF plenary session in February. Pakistan was brought back onto the grey list in June 2018, and given a 27-point action plan list to be completed by October 2019. Since then, it received at least four reprieves, and was judged at last count to have completed 21 of 27 points, with six outstanding. The plenary session can choose one of three options therefore, in

keeping Pakistan on the grey list, where it is subject to some financial restrictions, to downgrade it to the black list, where it will face stringent sanctions, or close the review and let Pakistan off the lists altogether. Pakistan will now hope that its progress in the action plan and having key terror figures in prison earn it a reprieve.

The fear for India is that if Pakistan earns that reprieve, it can reverse all its actions. India has watched the arrests of all these men and other terrorists on India's "most wanted" lists in the past, only to find that they are released on bail, or let off over prosecutorial lapses once the world's gaze is averted. Last month, a Pakistan court's decision to overturn the conviction of al Qaeda leader Ahmed Omar Sheikh Saeed, a terrorist India was forced to release during the 1999 IC-814 hijacking, for the 2002 murder of American journalist Daniel Pearl, shows how Pakistan's investigating agencies and judicial system treat terrorism. Hafiz Saeed has been convicted only of terror financing charges and faces concurrent sentencing of about six years at the most, as would Lakhvi, who faces similar charges, despite a long record in transnational terror attacks. Others like Masood Azhar continue to evade any kind of prosecution despite UN sanctions. For India and its battle to have Pakistan's establishment held accountable on this issue, the FATF grey listing (from 2012-2015 and 2018-now) is a necessary lever to keep that process going.

## Maximum Governor: On Governor's role

### **Governors should not exceed constitutional duties to serve as agents of the Centre**

The misuse of the Governor's office to undermine duly elected State governments is a particularly mischievous disruption of federalism. Kerala Governor Arif Mohammad Khan's frequent use of his powerful oratory to defend the Centre and question the State on sensitive topics makes him partisan and undermines democratic processes. His refusal to convene a special session of the Kerala Assembly on December 23, as initially requested by the government, yet again proved this. He questioned the urgency of the special session, and thought the Assembly lacked "the jurisdiction to offer a solution" to the farmers' protest, an issue which the Assembly wanted to discuss. This is an encroachment upon the powers of the legislature and the elected government and an abuse of his authority as a nominal head under the Constitution. His conduct was comparable to that of his counterpart in Rajasthan who refused to convene a session of the Assembly in July last year as demanded by the Chief Minister. Kerala Chief Minister Pinarayi Vijayan wrote to Mr. Khan stating the Governor had no discretionary powers in the matter and that his actions were unconstitutional. This position was supported by the Opposition too. Thankfully, the government made an amended request for convening the session and the Governor accepted it. Mr. Khan had earlier questioned a resolution passed by the Kerala Assembly on the Citizenship (Amendment) Act, besides making public statements supporting the CAA and the farm laws. To assume that an Assembly is acting unconstitutionally if it disagrees with Parliament is disingenuous. By lending himself and his office to such

partisan conflicts, Mr. Khan is also besmirching his personal reputation as a fiercely fair-minded public figure. Such conduct by a Governor can weaken federalism.

In the event, the controversy overshadowed the one-day session on December 31, which sought the repeal of the central laws that are at the heart of the ongoing farmer agitation. A resolution passed with the support of the ruling LDF and the opposition UDF, and unopposed by the lone BJP member, raised procedural and substantive questions related to these laws. The resolution pointed out that agriculture was a State subject and “as a matter that seriously affects the States, the Bills should have been discussed in a meeting of the inter-State council”. The Bills were passed in haste without even referring them to the Standing Committee of the Parliament, which the Assembly termed “a serious matter.” It has become habitual for the Centre to overlook regional concerns, and the making of the farm laws without consulting States was in line with this trend. The Council of States (Rajya Sabha) has been systematically undermined by arbitrarily labelling bills as money bills. The use of central agencies to browbeat Opposition-ruled States is yet another strain on federalism.