



The cost of prohibition

The spurt in hooch tragedies in 2021 points to the failure of the alcohol ban policy in Bihar

The deaths in the last few days of at least 25 people in Bihar's Gopalganj and West Champaran districts and five in Muzaffarpur apart from several others taking ill after consuming spurious liquor points to the unintended but not unexpected consequences of the total prohibition law that has been in effect in the State for more than five years. Hooch tragedies such as these are a consequence of the unregulated production and sale of liquor via the black market, and the use of illicit liquor as a substitute due to the lack of the sale of over-the-counter and regulated drinks. Prohibition as a policy has been shown up as inadequate to curb the problem of alcoholism and the havoc wreaked by it on households due to excessive consumption for a variety of reasons in State after State. In Bihar, implementation has not been without immense public support, especially among rural women. Yet, despite significant steps taken to enhance enforcement by officials from the excise department, the police and local administration – over 3.46 lakh people arrested in the last five years and close to 150 lakh litres of country-made and Indian Made Foreign Liquor being seized from April 2016 to February 2021 – weaknesses in imposing the ban persist. It is well known that one of the negative externalities of prohibition is the creation of a parallel bootlegger economy that could lead to an increase in violent crime, and this seems to be borne out in Bihar as well.

The Chief Minister, Nitish Kumar, has been the strongest proponent of prohibition in the State and the policy has reaped electoral dividends for his party, the Janata Dal (United) and its ally, the Bharatiya Janata Party, as rural women have overwhelmingly welcomed the ban on alcohol. While initially, the ban on alcohol consumption helped rural households increase expenditure on basic goods related to food and education, there are reports from rural Bihar showing how these benefits have waned as spurious consumption is on the rise. Reportedly, illicit liquor in the State claimed at least 60 lives in 2021, much higher than the six deaths recorded by the National Crime Records Bureau's report on accidental deaths and suicides in India in 2020. The scale of the rise in hooch incidents and deaths should set alarm bells ringing about the inability of the administration in curbing the black market in liquor sales and consumption. Mr. Kumar insists that the success of prohibition is only a matter of implementation of the law and in a way has blamed the deaths on the ignorance of those who consumed spurious liquor. But the fact that these deaths persist should alert the government to the misgivings with the idea of total prohibition as a magic bullet in a State marked by weaknesses in institutions and low overall human development.

Keeping the faith

Following WHO approval, Bharat Biotech must prioritise global supply

Following months of speculation, the World Health Organization (WHO) has granted Emergency Use Listing (EUL) to Covaxin, manufactured by Bharat Biotech. This now allows the vaccine's better availability in many more countries, particularly via global groupings such as Covax. One of WHO's key aims is to have at least 40% of people in all countries vaccinated by the year-end – a tall order as the latest estimates suggest that only around 1% of people in low-income countries have received their jabs. Seventy countries are yet to vaccinate 10% of their populations, and 30 countries – including much of Africa – have vaccinated fewer than 2%. In Latin America, only one in four of the population has received a vaccine dose, according to *The British Medical Journal*. Covaxin is an indigenous, inactivated whole-virion vaccine that has been developed based on well-established protocols. This has meant that it was put on the regulatory speed belt at nearly every stage, the most significant being its emergency approval by India's drug regulators without any published phase-3 efficacy data. The ostensible reason for the haste was that India needed a low-cost indigenous vaccine that could be quickly administered to many.

Though Bharat Biotech has years of experience in producing crores of vaccines, the scale of quickly ramping up Covaxin supply has so far been beyond its capacity. In no month, since July, has Bharat Biotech actually delivered on its promised supply of vaccine, and even after over 107 crore shots have been administered, only around 12% have received Covaxin; many in India have been vaccinated with Covishield. Moreover, before the Centre agreed to take over 75% of the public supply, Covaxin offered no cost advantage – and in some instances was costlier – than Covishield. Bharat Biotech however moved to quickly get WHO's approval for its vaccine under its emergency listing process, in July. But unlike the rapid-fire clearance by India's Central Drugs Standard Control Organization, WHO's evaluation process has turned out to be considerably more involved. WHO cleared the AstraZeneca (Covishield) vaccine in four weeks but that Covaxin has required over 20 weeks – especially in a climate where much of the world is desperate – raises several questions. Bharat Biotech is no novice to WHO's clearance process and would surely be aware of all the requirements. While Covaxin's EUL may now ease foreign travel for a fraction of Indians, there is a real need to know why, in spite of Bharat Biotech's claims that it had furnished the required data whenever demanded, this approval took the time it did. With Covaxin close to being approved for children there will be significant demand now for this population segment; however, the company must work to improve its manufacturing supply and contribute to a larger share of the vaccines globally administered.

Charting a trade route after the MC12

An upbeat global trade scenario provides an ideal setting for Trade Ministers to correct iniquitous rules and provisions



BISWAJIT DHAR

The World Trade Organization (WTO)'s 12th Ministerial Conference (MC12) is being convened in Geneva, Switzerland at the end of this month, a year-and-a-half after it was scheduled to be held in Kazakhstan (June 2020, but postponed due to the novel coronavirus pandemic). The MC12 is being held at an important juncture when the global trade scenario is quite upbeat.

The outlook

Recent WTO estimates show that global trade volumes could expand by almost 11% in 2021, and by nearly 5% in 2022, and could stabilise at a level higher than the pre-COVID-19 trend (<https://bit.ly/3EQTO55>). The buoyancy in trade volumes has played an important role in supporting growth in economies such as India where domestic demand has not yet picked up sufficiently. Therefore, these favourable tidings provide an ideal setting for the Trade Ministers from the WTO member-states to revisit trade rules and to agree on a work programme for the organisation, which can help maintain the momentum in trade growth.

But above all, the MC12 needs to consider how in these good times for trade, the economically weaker countries "can secure a share in the growth in international trade commensurate with the needs of their economic development", an objective that is mandated by the Marrakesh Agreement Establishing the World Trade Organization.

Does the run-up to the MC12 provide any evidence that the global trading system can be slightly less iniquitous than it has been? The answer lies in the possible

outcomes in some of the areas that are currently witnessing intense negotiations. These include adoption of WTO rules on electronic commerce, investment facilitation, and fisheries subsidies. But there is one issue that surmounts all others, namely, the WTO's response to demands that technologies necessary for producing vaccines, medicines, and other medical products for COVID-19 treatment should be available without the restrictions imposed by intellectual property rights (IPRs).

IPRs and vaccine issue

From the very outset of the COVID-19 pandemic it had become clear that IPRs protected using the provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) are formidable barriers to ensuring equitable access to vaccines. Pharmaceutical companies controlling the global markets have used monopoly rights granted by their IPRs to deny developing countries access to technologies and know-how, thus undermining the possibility of production of vaccines in these countries. The involvement of developing countries in vaccine production could have increased supplies of affordable vaccines to the low-income countries. Availability of vaccines remains a critical problem in these countries even after a year since the first dose of COVID-19 vaccine was administered. Recent statistics show that until now, a mere 4.1% of the population in low-income countries have received at least one dose of the vaccine (<https://bit.ly/3mKDK8G>).

To remedy this situation, India and South Africa had tabled a proposal in the WTO in October 2020, for waiving enforcement of several forms of IPRs on "health products and technologies including diagnostics, therapeutics, vaccines, medical devices ... and their methods and means of manufacture" useful for COVID-19 treatment. By



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doing so, barriers created by IPRs to timely access to affordable medical products could be removed. This proposal, supported by nearly two-thirds of the organisation's membership, was opposed by the developed countries batting for their corporates. However, after the Joe Biden Administration in the United States lent limited support to the India-South Africa proposal, there was a glimmer of hope that WTO members would agree to lift restrictions on access to technologies for COVID-19 vaccines and medicines; at least by the MC12. The unfortunate reality of the current discussions is that an outcome supporting affordable access to COVID-19 vaccines and medicines looks distant. A further confirmation of this possibly came from the WTO Director General, Ngozi Okonjo-Iweala, when in her recent musings on the MC12 in *The Economist*, she was completely silent on this issue.

Fisheries, e-commerce

Although discussions on fisheries subsidies have been hanging fire for a long time, there is considerable push for an early conclusion of an agreement to rein in these subsidies. However, the current drafts on this issue are completely unbalanced as they do not provide the wherewithal to rein in large-scale commercial fishing that are depleting fish stocks the world over, and at the same time, are threatening the livelihoods of small fishermen in countries such as India.

In recent months, the proposal by the members of the Organisa-

tion for Economic Co-operation and Development and the G-20 members to introduce global minimum taxes on digital companies has made headlines. But in the WTO, most of these countries have been investing their negotiating capital to facilitate the expansion of e-commerce firms. Discussions on e-commerce are being held in the WTO since 1998 (<https://bit.ly/302dkgf>), after the adoption of the Ministerial Declaration on Global Electronic Commerce where WTO members agreed to "continue their ... practice of not imposing customs duties on electronic transmissions". The more substantive outcome was the decision to "establish a comprehensive work programme" taking into "account the economic, financial, and development needs of developing countries".

Fast forward to the discussions in 2021, and a key focus of the 1998 e-commerce work programme, namely "development needs of developing countries", is entirely missing from the text document that is the basis for the current negotiations. On the negotiating table are issues relating to the liberalisation of the goods and services trade, and of course guarantee for free flow of data across international boundaries, all aimed at facilitating expansion of businesses of e-commerce firms. In fact, the decision on a moratorium on the imposition of import duties agreed to in 1998 has become the basis for a push towards comprehensive trade liberalisation – a perfectly logical way forward, given that the sole objective of the negotiations on e-commerce is to facilitate expansion of e-commerce firms.

Divisions over investment

Complementing the current focus of the WTO to promote the global interests of oligopolies is the initiative for the adoption of an investment facilitation agreement. Inclusion of substantive provisions on investment in the WTO has been

one of the more divisive issues. In 2001, the Doha Ministerial Declaration had included a work programme on investment (<https://bit.ly/3bJSeWw>), but it was soon taken off the table as developing countries were opposed to its continuation because the discussions were geared towards expanding the rights of foreign investors through a multilateral agreement on investment. An investment facilitation has reintroduced the old agenda of concluding such an investment agreement. The proponents have been careful not to load the agenda by seeking substantial commitments from the Government to promote the interests of foreign investors, but it should be clear even to the uninitiated that the ultimate objective is to bind host governments into a multilaterally agreed commitment to comprehensively protect investor interests.

One-sided negotiations

Besides the bias in favour of global oligopolies, the current negotiating processes in the WTO are fundamentally flawed. The negotiations on e-commerce and investment facilitation are being conducted not by a mandate given by the entire membership of the WTO in a transparent manner that are also consistent with the objectives of the WTO. Instead, these negotiations owe their origins to the so-called "Joint Statement Initiatives" (JSI) in which a section of the membership has developed the agenda with a view to producing agreements in the WTO. This will then be offered to the rest of the membership on a "take-it-or-leave-it" basis. This entire process is "detrimental to the very existence of a rule-based multilateral trading system under the WTO", as India and South Africa have forcefully argued in a submission against the JSIs early this year (<https://bit.ly/2ZXXN5XV>).

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The right time for India to have its own climate law

The country's existing laws are inadequate in dealing with climate change; India's situation is also unique



NEHA SINHA

This is the right time for India to mull setting up a climate law while staying true to its goals of climate justice, carbon space and environmental protection. There are a few reasons for this.

Current laws and gaps

Which law covers climate? First, our existing laws are not adequate to deal with climate change. We have for example the Environment (Protection) Act (EPA), 1986, the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974. Yet, climate is not exactly water or air. Which law would cover the impacts of a cyclone, for instance or work to reduce future climate impacts? And neither are we ready to tackle environmental/climate violations. The Environment (Protection) Act is grossly inadequate to deal with violations on climate. Clause 24 of the Act, "Effect of Other Laws", states that if an offence is committed under the EPA or any other law, the person will be punished under the other law (for example, Code of Criminal Procedure). This makes the EPA subordinate to every other law.

Second, there is a need to integrate climate action – adaptation and mitigation – and monitor progress. Comprehensive climate action is not just technological (such as changing energy sources or carbon intensity), but also nature-based (such as emphasising restoration of ecosystems, reducing natural hazard and increasing carbon sinks.)

Finally, India's situation is unique. Climate action cannot come by further sharpening divides



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or exacerbating poverty, and this includes our stated renewable energy goals. The 500 Gigawatt by 2030 goal for renewable, solar or wind power for example (of installed power capacity from non-fossil sources), can put critically endangered grassland and desert birds such as the Great Indian Bustard at risk, as they die on collision with wires in the desert.

Create a commission

A climate law could consider two aspects. One, creating an institution that monitors action plans for climate change. A "Commission on Climate Change" could be set up, with the power and the authority to issue directions, and oversee implementation of plans and programmes on climate.

The Commission could have quasi-judicial powers with powers of a civil court to ensure that its directions are followed in letter and spirit. It should be assisted by a technical committee which can advise the commission in the discharge of its functions as well as guide various private and public agencies in meeting their climate-related obligations. As an example, the commission could look at agencies or institutions that have a disproportionate impact on cli-

mate or environment, and suggest lower energy pathways that are adhered to.

Tracing carbon footprints

What, for example, is the carbon footprint of a single activity from start to finish? We have the Bureau of Energy Efficiency, but we also need overall carbon efficiency that looks beyond electronics. How could intelligent interventions be made for reduction of footprints, along with common sense, and practical public health interventions which are unaccounted for so far? In a recent case in the National Green Tribunal it was revealed that the National Thermal Power Corporation did not even cover coal wagons with tarpaulin on railways, decades after environmental clearances were granted in 1999, in Chhattisgarh. In 2020, the Supreme Court passed an order directing for the wagons to be covered within a month's time. There will be eventual emissions by coal use. But there is also the issue of respirable coal dust that is spewed into the air through irresponsible transportation.

As of now, many environmental mediations remain glaringly haphazard. The ban on plastic bags in Delhi is a failure because plastic bag substitutes were never really pushed at scale by the understaffed environment department. A plastic bag ban to succeed in one State requires a similar commitment from neighbouring States. A nation-wide intervention here, led by a Climate Commission, considering substitutes at scale for plastic-based products (which are derived from petroleum) and looking at both innovation and implemen-

tation, would be useful.

Need for accountability

Second, we need a system of liability and accountability at short-, medium- and long-term levels as we face hazards. This also means having a legally enforceable National Climate Change Plan that goes beyond just policy guidelines. Are climate vagaries acts of god, or do certain actions exacerbate them? In an order of the National Green Tribunal in 2016, the court examined the damage caused when floods occurred in 2013 in Pauri, Uttarakhand. When Srinagar dam (Uttarakhand) opened its sluice gates, muck created 8-foot tall deposits, destroying property and fields.

While muck is not hazardous, the handling of the dam – especially in a mountainous area in the face of climate events – created serious damage. The court held the damage was not an 'Act of God' and invoked the Principle of No Fault liability. The Alaknanda Hydro Power Company was asked by the Tribunal to pay more than ₹9 crore in damages. But all this was after the disaster. A Climate Commission could ideally prevent such gross negligence in fragile areas and fix accountability if it arises.

We have an urgent moral imperative to tackle climate change and reduce its worst impacts. But we also should Indianise the process by bringing in a just and effective law – with guts, a spine, a heart, and, most importantly, teeth.

Neha Sinha is a conservation biologist and author of 'Wild and Wilful: Tales of 15 Iconic Indian Species'. The views expressed are personal

LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Going door to door

The door-to-door vaccination plan touted by the Prime Minister now was long overdue. However, in an affidavit to the Bombay High Court, the Government had said: "In case of Any Adverse Event Following Immunisation, case management may not be proper and there will be delay in reaching the health facility and challenges in maintaining protocol of observation of patients for 30 minutes after vaccination. There were

chances of contamination as during door-to-door inoculation, the vaccine container will be taken out at each house, which could affect its efficacy". This was reported in April 2021. How things change suddenly now is a different question as going door to door seems to be with some political benefit in mind. "Har Ghar Dastak" (Knocking at every door") accompanied by another slogan, "Har Ghar Tika, Har Ghar Tika (Vaccine at every door step") is akin to a similar

sounding political slogan used by the ruling dispensation. It is unlikely the Election Commission of India can make any intervention as the programme is aligned to preventing the spread of a virus.

N. NAGARAJAN,
Secunderabad

Powerful speech

The speech by the 14-year-old Tiruvannamalai girl, Vinisha Umashankar, at COP26 in Glasgow evoked pride in every

Indian. In fact she spoke for the whole of humanity. Her love for her village and the country through a universal outlook is magnificent. She not only represented youngsters but also large sections of right-thinking people. Her contempt for empty promises by leaders is clear when she said, "None of what we discuss today is practical for me." This should be a lesson and sound caution for all leaders who repeat the same promises at regular

intervals, only to forget them later.

P.R.V. RAJA,
Pandalam, Kerala

Gone with the wind

It is unfortunate that the Supreme Court of India's orders with regard to the bursting of crackers during the Deepavali festival celebrations were followed more in their gross breach than in strict adherence. The banning of serial crackers and fixing of specified timings were violated with impunity. The

minimal presence or absence of the authorities and agencies concerned emboldened people which caused nuisance and hardship to the sick, the elderly, children and even animals. The deterioration in air quality was terrible and motorists had a very difficult time. High-decibel crackers were set off late into the night, making a mockery of the orders.

V. JOHAN DHANAKUMAR,
Chennai