



## Making NHPM work

Extending health cover to the most needy is vital, and needs an infrastructure upgrade

Prime Minister Narendra Modi's announcement on Independence Day that Ayushman Bharat, or the National Health Protection Mission, will be launched formally on September 25 sends out the signal that the government is finally recognising the linkages between health care and economic development. Political parties have not yet made the right to health a campaign issue, and the National Health Policy does not recommend such a right since it cannot be fulfilled. But there is increasing awareness that it is unsustainable for a country of 1.3 billion people to rely on household savings to pay for health care. The NHPM is an ambitious initiative, providing a coverage of ₹5 lakh per family a year to 10 crore families chosen through the Socio-Economic Caste Census, mainly rural poor and identified urban workers. State governments, which will administer it through their own agency, will have to purchase care from a variety of players, including in the private sector, at pre-determined rates. Reaching a consensus on treatment costs through a transparent consultative process is vital for a smooth and steady rollout. A large-scale Information Technology network for cashless treatment should be set up and validated. Since a majority of the families will be rural, and the secondary and tertiary public hospital infrastructure suffers from severe efficiency and accountability problems, State governments should upgrade the administrative systems.

National schemes on health provide an overarching framework, but the responsibility of executing them falls on the State governments. It is widely recognised that there are "nations within the nation" in India, given the population sizes, disease burdens and development levels of different regions. Clearly, the NHPM has a problem with the distribution of hospitals, the capacity of human resources, and the finances available for cost-sharing. Addressing these through the planned increase in public health spending to touch 2.5% of GDP, and 8% of State budgets, is the immediate challenge. With steady economic growth, meeting that policy commitment through higher investments will be a test of political will. Yet, it is also an opportunity to tap into a large labour pool for the new jobs that will be created, and to raise skill levels. Reducing the cost of universal health coverage is imperative, and it requires parallel investments in the neglected public sector. Private insurance can only be a short-term option, and it clearly has limitations. Less ethical institutions have been found ordering unnecessary treatments to claim insurance compensation. An ombudsman to deal with complaints from NHPM users should, therefore, be a priority. The Centre should extend the scheme to all children and senior citizens, and cover out-patient consultation and essential drugs to sharply reduce out-of-pocket spending.

## Fear isn't the key

There must be caution about regulatory overreach while granting SEBI more powers

India's stock markets are booming, with the BSE Sensex touching new highs. The regulation of securities markets has evolved over the last two and a half decades since the setting up of the Securities and Exchange Board of India, but it is still a work in progress. Front-running, insider trading, shady accounting practices that are tantamount to window-dressing firms' performance, and other shenanigans to manipulate share prices continue. A panel headed by T.K. Viswanathan, a former Lok Sabha Secretary General, has now submitted recommendations to curb illegal practices in the markets and ensure fair conduct among investors. A key recommendation is that the stock market watchdog be granted the power to act directly against "perpetrators of financial statements fraud". In essence, this means SEBI can act not only against listed entities under its extant powers but also against those who aid or abet financial fraud – including accountants and auditors. The panel has suggested that SEBI, rather than the Central government, be given the power to grant immunity to whistle-blowers who help uncover illegal activities. It has mooted new ideas to address market manipulation, from better scrutiny of price-sensitive information to the creation of processes to expedite investigation into cases. It goes to the extent of recommending that SEBI be given powers to tap phone calls.

Greater executive powers, it is being suggested, can help the regulator take swifter action against offenders instead of relying on government bodies such as the Ministry of Corporate Affairs. Ostensibly, this could also free SEBI from various manifestations of political influence. Since SEBI is better placed to understand the complex nuances that financial market fraud entails, compared to other investigative agencies or even those in charge of implementing the Companies Act, it may also be better placed to enforce the law. A strong regulator serves as a good deterrent to truants in the market, but banking on fear too much could also scare away genuine investors. SEBI is widely considered to be one of the more efficient regulators, but it is not faultless. Last year, its order to impose restrictions on the trading of shares of 331 companies suspected of laundering money was seen as a hasty move taken under pressure from the government without a formal investigation. Given that SEBI is now considering a cap on trading by retail investors based on their assessed 'net worth', the committee's suggestion that it may consider any trading by players beyond their known 'financial resources' as fraud could lead to undue harassment of investors. Granting more teeth to enable the market regulator to fulfil its primary role of protecting investors is fine. But it is equally critical to empower it with the right tools so that a sledgehammer is not deployed to crack a nut.

# Lessons in alternative histories

Both Gandhi and Nehru would have grasped that the Dalai Lama was speaking to India's present



SHIV VISVANATHAN

Around August 15 every year, Indians tend to get more correct and prickly. The 15th is a precious day for us. We demand a salute to our state and status as a great independent nation. Any critique is summarily dismissed, often at the cost to our own understanding of the nation and its possibilities.

Consider a recent event. It was the 60th anniversary of the Tibetan arrival in India. It marked a great moment for India. Jawaharlal Nehru, defying the Chinese, offers refuge to the Dalai Lama and lets him set up his government in exile. It was a moment of hospitality and generosity, a Nehruvian moment which one senses as lacking today in this time of the Rohingya crisis and the National Register of Citizens threatening to extern lakhs of people.

### Offered as gratitude

No one has spoken with greater gratitude to India than the Dalai Lama. His rituals of thanks to India as a civilisation and to the Indian regime have been many. By welcoming him to India, we added to the sense of India. Yet, newspapers reported that in the anniversary speech, he said India had missed a moral opportunity – that Mahatma Gandhi, to avoid Partition, offered Muhammad Ali Jinnah the Prime Ministership, and Nehru objected because he wanted to lead India. The newspaper reports came out boldly and liter-

ally. A few days later, true to a spirit of correctness, the Dalai Lama withdrew his statement, saying that he had hurt feelings.

At a level of formal correctness, the matter is closed, but India is the loser because our prickly sense of arrogance blinded us to the possibility of the story.

The Dalai Lama was not criticising Nehru. He was merely pointing to glimpses of history beyond Nehru. He was being thoughtful, provocative, in a pedagogic way, because he was confident in himself and the people he was talking about. As a spiritual leader and as an astute politician, he was using the occasion to open us to new possibilities. Anyone living in India knows that our sense of nationalism has blinded us to alternative possibilities. We conceive of history as a fait accompli and with a dose of fatalism.

Yet, what the Dalai Lama is pointing out is that what we saw as a moment of closure had its openings. The greatness of Gandhi recognised it and pursued it with a desperation. Gandhi tried to thwart Partition by offering Jinnah something he would not have dreamed of. Gandhi offered him the possibility of a giant leadership, the possibility of being leader of a 'joint India-Pakistan'. Instead of Partition we could or could have had a united India. It was an act which required a surreal moral courage. It was an appeal to Jinnah to go beyond divisive politics. It was almost a utopian solution to a communal fissure.

The Dalai Lama suggests that Nehru refuted such a possibility. The historian in him must have seen it as impractical; the politician in him must have read it as in-



sulting, wondering whether Gandhi had lost his sense of the bloody reality facing India. Jinnah, Nehru and Mountbatten were responding at the level of realpolitik. It is the level at which history took place and Partition became inevitable.

### A moral imagination

The Dalai Lama understands history. As a political leader, he has an acute sense of it. But as a spiritual leader, he is suggesting decades after the event that history could have been transcended morally. He was suggesting that Gandhi had the moral imagination to gift Jinnah a stunning possibility. He was merely asking Jinnah to move beyond his pettiness. He was asking Nehru for a sacrifice beyond all his calibre and sacrifices. Looking back, one cannot discount the power of this possibility. In a futuristic sense, it might be India's greatest gift to Pakistan, a vision of a united nation. Nehru sacrifices his future and Jinnah's immediate greed becomes the glue in a moment of strife-torn politics. Consequently, there is no Partition. Pakistan does not become a military state. There is none of the idiocy of the genocide in Bangladesh.

Possibilities sound stupendous and the thinker is almost giddy. The Dalai Lama is merely invoking Gandhi's plea, a plea that might

# Questioning a crackdown

The case for restricting the manufacture of oxytocin is neither rigorous nor reasoned



PRASHANT REDDY T.

The decision of the Ministry of Health to restrict, from September 1, the manufacture of oxytocin only to the public sector unit, Karnataka Antibiotics and Pharmaceuticals Ltd. (KAPL), has sparked fears of shortages and a disruption of supplies of this drug. Oxytocin – which is considered to be a critical drug in maternal health care – is made primarily by the private sector. The restriction is because of alleged misuse of the drug by dairy farmers on milch cattle to stimulate milk production. The Ministry now hopes to control distribution channels and prevent misuse.

The allegations regarding misuse have been made by the Union Minister for Women and Child Development, Maneka Gandhi, for over a decade. Minutes of the meetings of the Drugs Technical

Advisory Board (DTAB) and the Drugs Consultative Committee (DCC) – (statutory bodies under the Drugs & Cosmetics Act, 1940 – record several representations by Ms. Gandhi to the government to do something about the misuse. The minutes also cite experts from the medical and veterinary sciences who advised the DTAB that oxytocin is required in the treatment of both humans and animals. Further, two studies by the Central government, by the Indian Council of Medical Research and the National Dairy Research Institute, conclude that the use of oxytocin does not have an adverse effect on either people or animals. With cattle, the danger of misuse is that it may cause addiction, in which case cattle do not react to normal milk ejection stimuli. Both studies have been cited by the Ministers of Health and Agriculture in Parliament while responding to queries about the adverse effects of the drug.

### Basis of official response

So why has the Health Ministry restricted the manufacture of the drug to only the KAPL? The official



answer cited by the Ministry in its order (under Section 26A of the Drugs & Cosmetics Act, 1940) is a judgment by the High Court of Himachal Pradesh in a public interest litigation (PIL) initiated by the court after it came across newspaper reports of oxytocin misuse. As is often the case with such PILs, the court appointed an *amicus* to assist it. After hearing the matter for two years, the court passed a judgment in 2016 blaming oxytocin for a number of diseases, including breast and uterine cancers, male impotence, excessive hair growth in women and balding for men. However, the court did not cite a single scientific study to support these claims. Worse, it appeared to be unaware of the scientific studies commissioned by the Central government. Towards the

end of its judgment, the court directed the State government to consider the feasibility of restricting manufacture to the public sector.

While the State government appears to have ignored these directions, the Central government, for some reason, decided to adopt the judgment as the basis of its order restricting manufacture to the public sector. The fact is that the High Court sought a study of the feasibility of restricting manufacture to the public sector; it never ordered the restriction to be imposed. From a reading of the government's order under Section 26A of the said Act, it appears that the government has gone ahead to restrict manufacture without conducting any kind of feasibility study.

### Going forward

While courts generally defer to the government when it comes to orders issued under Section 26A of the said Act, they can still set aside such orders if convinced that there is nothing on record to support the final decision. This standard of review was reiterated most recently

pantheons of Nehru ambushing history instead of being ambushed by it; a Nehru who could have jump-started an unbelievable era of history. We could have had an alternative polity which would have been an experiment in pluralistic federalism. All the Dalai Lama is suggesting is that a playful civilisation like India must not be a blinded nation state. He is opening us to ideas that are futuristic and lifesaving. I think India needs to remaster the art of listening, the acuteness of debate and discourse from our spiritual past. We need to listen to the Dalai Lama. He was not insulting us or our hospitality. In fact, he was laughing it with gratitude, with laughter and humour, with sincerity.

### The echoes today

The question is, will India respond? All he is suggesting is the civilisational creativity India showed to Tibetans as honoured refugees now be applied to Assam, the Rohingya. India does not have a Gandhi but his teachings are alive, and one needs to invent a Gandhian solution within a Nehruvian framework. For a spiritual leader, politics is the art of the impossible. The Dalai Lama is explaining that India's spirituality has the realism to show our humdrum politicians the magical everydayness of an alternative solution. He is telling us India is a civilisation, that its Gandhis, its Nanaks, its Kabirs, its Buddhas can find a solution to the current impasse. It is a wonderful gift at a time when we celebrate freedom.

*Shiv Visvanathan is an academic associated with the Compost Heap, a group in pursuit of alternative ideas and imagination*

in *Union of India v. Pfizer* (2017), where the Supreme Court concluded: "If the power under Section 26A is exercised on the basis of irrelevant material or on the basis of no material, the satisfaction itself that is contemplated by Section 26A would not be there and the exercise of the power would be struck down on this ground."

An order restricting manufacture of a crucial drug such as oxytocin on the grounds of alleged misuse will have to be based on a study of the degree of misuse, the demand for the drug, the manner in which the proposed restriction will affect the supply of the drug, and also its impact on public health. The government has not conducted such a study. The Delhi High Court, which is hearing a challenge against the government's order, should signal to the government that regulation of drugs has to be rigorous and reasoned. It cannot resemble policy quackery.

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## 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.

### Two-way trade

Bilateral trade ties between India and Pakistan have undoubtedly remained hostage to the political vagaries of the relationship but only in a limited fashion (Editorial page, "The market across the border", August 15). In 1948-49, for instance, India accounted for 56% of Pakistan's exports – this despite the sovereignty of Jammu and Kashmir being disputed; Pakistan simultaneously sourced 32% of its imports from India. India continued to remain Pakistan's largest trading partner for the next several years. Reflecting, once again, on the link between trade and political relations, India accorded Pakistan "Most-Favoured Nation" (MFN) status in 1996. But trade can flourish only if India and Pakistan are able to sort out the festering issue of terrorism.

AKSHAYKUMAR SINGH,  
Ankleshwar, Gujarat

■ Trade can flourish between the two neighbours but there are several irritants. The boundary dispute has still to be sorted out. The growing menace of state-sponsored terrorism looms large which

is affecting the creation of mutual trust between the two neighbours. If solutions can be found, the Shanghai Cooperation Organisation can be a good platform for talks on the way forward. The leadership in both nations should aim to spread growth and prosperity in the region.

ANAND RANJAN,  
Patna, Bihar

■ The article was an eye-opener as far as value chain development in specific items of trade is concerned. But for such magic to happen, India and Pakistan have to find concrete solutions to bridge the trust deficit, security issues and trader concerns. People-to-people contact and trade can work wonders.

DEVDUPT JHA,  
Gwalior, Madhya Pradesh

### 'Lateral entry'

A bureaucratised process to select outside experts is self-defeating (Editorial page, "Making 'lateral entry' work", August 14). It facetiously assumes that people will queue up to offer their services to the government. Therefore, the government should offer positions to identified outsiders based on

the background and experience of the shortlisted candidates.

To function in a risk-averse system bogged by procedural rigidity will be a huge challenge for outsiders. It is not enough that experts bring fresh and bold ideas to public governance; the system should be flexible and quick enough to execute proposals to reap the benefits of innovation. Files take an inordinately long time to move across tables, with little to no accountability for delays caused as a result of lethargy and inefficiency. Time norms should strictly be adhered to for file movements with in-built accountability for lapses. The slothful administrative system needs to reinvent itself before exploring purported panaceas such as the induction of experts into the government.

V.N. MUKUNDARAJAN,  
Thiruvananthapuram

■ Lateral entry is not a new concept in public sector undertakings where professionals such as chartered accountants, engineers and those qualified in business administration are recruited – a practice

prevalent in most nationalised banks. Those who have attained this level by virtue of their seniority align themselves well with the lateral entrants and there has not been an instance of conflict of interest that has ever surfaced – at least enough to draw the attention of the media. That said, a 'lateral entry bureaucrat' can be of no match to a serving civil servant whose administrative skills are enhanced by the experience he gains at field levels. Apart from the shadow of nepotism, red-tapism and corruption that follows all government bureaucracies, those who have gained access through lateral entry have to consistently prove their capability, credibility, trustworthiness and, most importantly, their integrity.

N. VISVESWARAN,  
Chennai

### The DNA Bill

As one of the persons involved in the earlier stages of drafting of the DNA Bill that is now under consideration for enactment, I would say that the criticism of Helen Wallace of GeneWatch UK (OpEd page, "Decoding the DNA Bill",

August 9) is condescending and somewhat hypocritical. The DNA Bill has been drafted based on the statutes in vogue for over two decades in other countries, including the U.K. and the U.S., but the only reference the writer makes to any of the other countries is to indicate the costs of DNA database management in the U.K. Why has she not mentioned that the criteria adopted by these countries for entry and storage of DNA data are so wide-ranging as to cover even larger categories of persons in conflict with the law than is envisaged in our draft Bill? Or that GeneWatch UK has been unable to exert much influence on these matters in its own country of incorporation? My appeal to her is to please allow India too to progress.

J. GOWRISHANKAR,  
Hyderabad

### A word of advice

It appears that it has become a habit for Congress president Rahul Gandhi to level wild allegations against the BJP and the Prime Minister ("Rahul lashes out at Modi, KCR", August 15 and "PM Modi has an anti-Dalit mindset, charges Rahul",

August 10). They also show his desperation and impatience. It is time that his colleagues, especially his party seniors, advise him not to be self-righteous and get carried away. Credibility and greatness are to be earned.

C.G. KURIAKOSE,  
Kothamangalam, Kerala

### Playing Tests

Indian Test cricketers hardly ever play first-class matches at home, except for when they are out of form or are not in the T20 or ODI teams. When your best players face off against each other in a T20 tournament (IPL) and not the Ranji or Duleep Trophies, the results that we are now getting abroad are not surprising. The Board of Control for Cricket in India needs to ensure that these players play a minimum number of Ranji and Duleep Trophy matches for them to be eligible for Test selection ('Sport' page, 'Between Wickets' – "The World No. 1 team ought to be made of sterner stuff" and " 'Don't give up on us,' both August 15).

SAURABH SINHA,  
Bhilai, Chhattisgarh

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