



Sooner, not later

As a regional party, the TRS sees the benefit in uncoupling Assembly and Lok Sabha elections

What's good for a national political party may be bad for a regional player. Holding simultaneous elections to the Lok Sabha and State Assembly may have larger benefits, but there is a perception that it could disadvantage regional parties. One of the reasons why Telangana Chief Minister K. Chandrababhan Rao is seriously considering an early election to the Assembly is to avoid having to fight the national parties in a Lok Sabha election at the same time as the Assembly election. His party, the Telangana Rashtra Samithi, cannot be part of a nationwide Congress-led alliance as the Congress is its main rival in Telangana. While it maintains a good relationship with the Centre, the TRS sees little profit to be had from being a pre-poll partner of the National Democratic Alliance led by the Bharatiya Janata Party. Under these circumstances, the party does not have a national platform from which it could campaign meaningfully in the parliamentary election. Mr. Rao's attempts to stitch together a so-called federal front with the Trinamool Congress and other regional parties were a non-starter. The Trinamool leader and West Bengal Chief Minister, Mamata Banerjee, warmed to the idea of a grouping of regional parties, but didn't share his view on keeping the Congress out of an anti-BJP alliance. For many of the other regional parties, the BJP, and not the Congress, is the principal threat.

Mr. Rao knows that while he seeks a second term as Chief Minister in an Assembly election, he will be without a campaign plank in a Lok Sabha election. At the TRS public rally held after a meeting of the Cabinet on an early election, the running theme of the Telangana Chief Minister was an exhortation to his supporters not to be slaves of the "Delhi parties". Regionalism assumed the form of an ideology itself. Of course, even if he recommends the dissolution of the Assembly, there is no guarantee that the Election Commission will oblige him and hold the polls along with those of Madhya Pradesh, Chhattisgarh, Rajasthan and Mizoram by the end of the year. But Mr. Rao is planning to make a clutch of populist announcements and hold a series of public meetings in the weeks ahead to grab the people's attention. With the BJP ruling out an early election to the Lok Sabha, Mr. Rao certainly has his reasons to want to face the voters sooner rather than later. But the people of Telangana are going to judge him by what he did in the last four years, and not by what he intends to do in the next few weeks. It is not enough to cozy up to the Centre to beat off the challenge from a rejuvenated Congress. In retrospect, timing may be a small matter.

The last battle

While there are no easy solutions in Idlib, Damascus must avert a humanitarian crisis

The large-scale mobilisation of troops by the Syrian government and its allies around the north-western Idlib province, the last major opposition-held enclave, has led to speculation about an imminent attack as well as calls to avoid a humanitarian catastrophe. Russia, the Syrian regime's main backer, has launched military manoeuvres in the Mediterranean region, while Syrian troops and Iran-trained militias have mobilised in the Idlib region. The government of President Bashar al-Assad says its forces will go "all the way in Idlib" to fight the jihadists. The regime, which had been on the brink of collapse in September 2015, is now firmly in control of most of the territory. Only Idlib and the Kurdish-held eastern region are outside its grasp. The Kurds, however, seek a political solution for autonomy and are not inclined towards an armed rebellion. This essentially makes the fight for Idlib the final battle of the Syrian civil war. But there are no easy solutions to the Idlib crisis. The province is mostly run by jihadists of the Tahrir al-Sham, formerly al-Qaeda's Syrian branch. There is a high concentration of foreign fighters in Idlib, including an estimated 10,000 terrorists. An all-out attack against these groups inside the province, which is home to about three million people, including a million refugees displaced from war zones elsewhere in Syria, could well trigger another humanitarian crisis.

Abu Mohammad al-Golani, the former al-Qaeda leader who commands Tahrir, has said his group is prepared for war and warned rebels against any surrender deal with the regime. Besides, unlike Aleppo or Eastern Ghouta, territories which the regime recaptured using brute force, Turkey is deeply involved in Idlib. It backs one of the rebel groups and has observers on the ground. Turkey, which fears a massive refugee influx from Idlib in the event of a war, is firmly opposed to an attack. As for Mr. Assad and his Iranian backers, they cannot carry this out without Russia's help. They want Russia to offer its superior air power as well as fight diplomatic battles on behalf of Damascus. This is something Russia has done in the past. But in Idlib, Russian President Vladimir Putin faces a dilemma – he wants Mr. Assad to win, but he doesn't want to lose Turkey's Recep Tayyip Erdoğan. The middle path is to exhaust other options before going to war. As the United Nations has suggested, the government troops should first open humanitarian corridors for civilians to move to safer locations. The UN special envoy for Syria, Staffan de Mistura, has offered to mediate between the regime and the rebels. Moscow should give it a chance and also get Turkey involved in the process. The goal should be not just a military victory, but also a political win. After the war, Russia would want the full rehabilitation of the Syrian regime, with political and financial help from other countries. More bloodshed and atrocities against civilians will only complicate that process.

Routes to Afghanistan

The 2+2 talks must take into account U.S. policy as well as India's own role in the region



SUHASINI HAIDAR

A year after U.S. President Donald Trump announced his "South Asia policy" for Afghanistan, senior American officials will be in the region for talks this week. Secretary of State Mike Pompeo and Defence Secretary James Mattis visit Delhi for the first 2+2 talks on Thursday with their Indian counterparts, External Affairs Minister Sushma Swaraj and Defence Minister Nirmala Sitharaman. Mr. Mattis is expected to come via Kabul, while Mr. Pompeo and U.S. Chairman of the Joint Chiefs of Staff, General Joseph Dunford, will swing by Islamabad.

A year later

Afghanistan today is by no means how Mr. Trump had envisioned it last August: in terms of the security situation, regional solutions for the peace process as well as economic development. The past few weeks have seen a spike in violence, with the Taliban carrying out a set of coordinated assaults around Afghanistan, rejecting an offer of a three-month ceasefire by President Ashraf Ghani and laying siege to Ghazni city. Before U.S. Special Forces and the Afghan National Defence and Security Forces were able to clear them out, the Taliban had shown up the fragile hold Kabul has on this provincial capital less than 150 km away. The fight against the Taliban took massive U.S. air fire power as well to finally secure Ghazni, with the once bustling city now war-torn. While the Taliban suffered heavy casualties, so did the Afghan Army.

The impact of the Taliban assault in Ghazni and other cities in August, including the deadly bombing of a Kabul school, was three-fold. It cast serious doubt on any U.S. plans to draw down troops as Mr. Trump may have envisaged; it blew to bits the hope that the June Id ceasefire and the meeting between U.S. special envoy Alice Wells and Taliban officials in Doha in July meant that the Taliban was committed to the peace process; and it also showed that despite six months of concerted American punitive actions on Islamabad, the Pakistan establishment is not shutting down support for Taliban fighters. In an emotional public statement, Mr. Ghani accused Pakistan of treating the terrorists in hospitals close to the Afghan-Pakistan border, while his Ministry of Defence said Pakistani fighters, including from the Lashkar-e-Toiba were among the insurgents. Pakistan denied the charges, suggesting that the dead Pakistanis were actually "labourers" working in Ghazni. The violence this year has also put 2018 on course to be the deadliest year for Afghan civilians, with an average of nine people killed every day, according to UN data.

Kabul's security structure has seen a dramatic series of sackings and resignations in the aftermath. National Security Adviser Hanif Atmar has been replaced by Afghanistan's Ambassador to the U.S., Hamdullah Mohib. The Defence Minister, Interior Minister, head of the National Directorate of Security and deputy chief of the National Security Council all tendered their resignations, reportedly over differences with Mr. Ghani's working; he hasn't accepted them. The developments, along with the faltering peace process, will make the task of holding parliamentary elections due in October, as well as



presidential elections in April 2019, much more challenging.

If the U.S.'s efforts inside Afghanistan have fared badly this past year, its strategy in the region, particularly with reference to Russia, China and Iran, has been even more perplexing. Last week, Russia put off multi-nation talks in Moscow scheduled for September 4, which would have also brought a Taliban delegation to the table, after Mr. Ghani, ostensibly under U.S. pressure, pulled out. However, the U.S. has itself entered into direct engagement with the same delegation led by "political chief" Sher Mohammad Abbas Stanikzai, a UN-sanctioned former Minister in the Taliban government, when Ms. Wells went to Qatar, making U.S. disavowal of the Moscow process seem more churlish than principled.

The Iran angle

The Trump administration's collision course with Iran is another hurdle to realising its South Asia policy. Iran is a neighbour to both Afghanistan and Pakistan, and any action against Tehran will have consequences on the region. Second, the new American push to sanction and isolate Iran by November will undoubtedly shift the focus from the task of resolving the situation in Afghanistan. This

mirrors earlier U.S. offensive actions – in Iraq in 2003, Libya in 2011, Syria in 2014 – each of which took its eye off the ball in Afghanistan. Finally, Iran is also an alternative route for landlocked Afghanistan's trade routes to the sea, which ties in with India's desire to circumvent Pakistan by developing the Chabahar port. In fact, if Washington wasn't at odds with Tehran, it may have benefited from access to the alternative supply lines to U.S. soldiers in Afghanistan. Insisting instead on India cutting off ties with Iran, as successive U.S. delegations have done in the past few months, will only jeopardise this route, and affect Iran's desire to assist with the access.

As a result, India, which Mr. Trump named as a "critical part" of his South Asia strategy last year, has to balance its many bilateral and regional commitments to Afghanistan, while discussing the next steps at the 2+2 talks. To begin with, it is necessary that the Narendra Modi government spells out clearly its policy towards talks with the Taliban. Before Afghanistan pulled out of the Moscow talks, for example, the government had given Russia the impression that it would be willing to participate in the talks. If that is the case, India would also have to become party, hypothetically, to any future agreement that brings the Taliban into a power-sharing arrangement in Kabul, and the government must carefully study the implications of that departure from past policy.

Next, India must focus on assisting Afghanistan in every manner possible to ensure that the country's elections are as peaceful and participative as possible. India's development assistance has been the source of its considerable influence and goodwill among Afghan citizens, and this is not the

time to make cuts. The outlay for 2017-18 at ₹365.96 crore was far lower than its commitment in 2015-2016 at ₹880.44 crore, according to figures tabled in Parliament. Officials say this is because major projects, such as the Salma Dam and Parliament building in Kabul, that began in 2008-09, have now been completed. But this begs the question, why are more ambitious projects not being planned? While the current crop of Small Development Projects launched in 2016, encompassing drinking water plans for several cities including Kabul, supply of buses, construction of low-cost housing, and assistance in health and education are important, India's regional status demands more.

Time to be double-quick

On the military front as well, India must move quickly to provide helicopters as well as engineering/tech support for Afghan hardware. India's plans at Chabahar are equally important to its efforts at keeping its lines to Afghanistan independent of other considerations, and Foreign Secretary Vijay Gokhale's visit to Kabul next week for a trilateral India-Afghanistan-Iran meeting will be important to take them forward.

Lastly, the government must realise that its consistent undermining of the South Asian Association for Regional Cooperation (SAARC) because of problems with Pakistan is also weakening Afghanistan's engagement with the sub-continent, which India had worked hard to foster. The conversations at the 2+2 meet on Thursday must take into account not just India's role in Mr. Trump's South Asia policy but its own role in its neighbourhood.

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'Drugs are not sweets'

A clear message must be sent out to multinationals that the lives of Indian patients matter



SHAMNAD BASHEER

The details of the story of a metallic medical device gone awry are well reported – debilitating a number of patients, and leaving them with excruciating pain, disability and, in some alleged cases, even death.

A timeline

The brief facts: DePuy, a subsidiary of Johnson & Johnson (J&J), engineered a hip replacement device that used metal in both the ball and the socket. Commonly called the "Articular Surface Replacement or ASR hip implant", this device soon turned toxic, owing to the release of metal debris, resulting in inflammation, tissue damage and profound pain.

While one is not certain of the precise date on which DePuy first knew of the various problems with its device, there are indications that doctors began warning the company as early as 2005. Court testimonies suggest that doctors who brought it to the repeated attention of DePuy were ignored – or had their research funding cut off. In fact, the Australian registry

took issue with the high failure rates of the allegedly superior metal implant as far back as 2007.

So DePuy clearly had knowledge of this problem by then. Yet it issued a global product recall only in 2010. Worse still, it renewed its Indian import licence in 2010 – just a few months prior to the global product recall.

More unfortunately though, it took a full three years for the Indian drug regulator (Central Drugs Standard Control Organisation, or CDSCO) to wake up and issue a product alert.

Lip service

But what of the hapless patients such as Vijay Vojhala who have had to go through enormous pain and suffering in the interim? Losing their jobs, mobility and much more.

While DePuy reimbursed victims such as Mr. Vojhala for their revision surgeries (to replace the "metal" with other materials such as ceramic or polyethylene), they refused to compensate. Reimbursement is not the same as compensating a patient for the pain, suffering, disability and loss of work. Illustratively, consider the first lawsuit that went to trial in the U.S. against DePuy, where a jury awarded approximately \$8.3 million as damages. Of this, only \$338,000 was meant to reimburse the aggrieved patient for costs as-



sociated with surgery. The major chunk (\$8 million) went towards compensating him for pain and suffering. It bears noting that most legal actions in the U.S. allege that despite knowledge of high failure rates, J&J failed to issue prompt warnings and take appropriate remedial steps.

The Indian government finally constituted an investigative committee in 2017. Its report (just made public) is a telling indictment of DePuy and its attempts to evade responsibility. It decries DePuy's rather evasive responses: while 15,829 ASR hip implants were imported in India, only 4,700 surgeries were performed. Worse still, only 1,295 unused implants had been returned to the company. Where did the rest go? Is it not J&J's responsibility to ensure that the recall is properly implemented and to account for all the missing pieces?

Unfortunately, the Drugs and Cosmetics Act (DCA) is woefully in-

adequate when it comes to victim compensation. The Act problematically presumes even a "device" to be a drug. And it penalises all those who sell adulterated, spurious or sub-standard drugs. It will take a stupendous stretch to argue that a faulty medical device amounts to a "spurious" or "adulterated" drug.

As such, invoking the DCA may not be a legally robust option. However, patients can invoke traditional tort law remedies and the Consumer Protection Act to claim damages. Some actions are pending before Indian courts and consumer fora which need to be consolidated and fast tracked.

Status quo since Bhopal

This is where memories of the Bhopal gas tragedy and a rather remorseless corporation (Union Carbide) spring to mind. The message at the end seemed clear: Poor hapless Indians are used to so much worse than their developed country counterparts. We can do with far less compensation, or even none at all.

Unfortunately, things haven't changed much since then. A couple of years ago, when hit with a compulsory licence for its prohibitively priced anticancer drug Nexavar, Bayer went on record to state that it does not make its drugs for Indians. India needs to send out a clear message to multinationals

that enough is enough: the lives of Indian patients matter as much, if not more.

Strangely, the government has been rather timid in taking on J&J. It even blocked a potential CBI inquiry, despite a former drug commissioner recommending this. This has forced patients to turn to the one institution that has fared a bit better when it comes to protecting public interest. But will our courts step up? If a recent court ruling in Mumbai is anything to go by, there is some hope. In *Glenmark Pharmaceuticals v. Galpha Laboratories*, the court imposed a whopping ₹1.5 crore as damages. Taking note of the fact that the defendant was a reckless violator of drug safety norms, the court issued a stern warning that could well apply on all fours to the controversy at hand: "Drugs are not sweets. Pharmaceutical companies which provide medicines for health of the consumers have a special duty of care towards them... However, nowadays, the corporate and financial goals of such companies cloud the decision of its executives whose decisions are incentivised by profits, more often than not, at the cost of public health. This case is a perfect example of just that."

Shamnad Basheer is the founder of P-PIL, an initiative to promote public interest lawyering in India

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.

Dissent, democracy, us

The points in the article, "The nature of dissent" (Editorial page, September 4), are timely in a situation where any view other than an authorised opinion seems to be unacceptable. That dissent is about "showing new perspectives" is an important line in the article that should make us pause and reflect. An enlightened society will be receptive to different voices. Stifling opinions would make life monotonous and retard growth. Hopefully, history will show us how silencing new voices is not wise as it could be cutting off avenues for new ideas. Who can forget how Galileo was treated? One hopes that progressive thoughts and ideas are allowed to flourish in India.

LEELA KALLARACKAL, Chennai

Readers speak

I am 68, and have been reading *The Hindu* since middle school – initiated into the exercise by my erudite father. It is heartening that the paper will soon be 140 years old. It has still retained its pristine qualities of news reporting of earlier times (Page 1, "Let us know you better", September 1).

SRIKANTI SUBRAHMANYAM, Hyderabad

As a reader for over 40 years, it is safe to say that the daily's standards of reporting are way above those of other leading English dailies in the country. But there has been a fall in the quality of the language used. The bias that some other readers point out is their perception, as the paper has always presented both news and views. If more space now is being given to advertisements, I think readers should understand

the commercial compulsions and also the pressures from social media.

KOSARAJU CHANDRAMOULI, Hyderabad

As a reader for over seven decades, I can recollect the past – weekly contributions by R.K. Narayan (writer), T.A. Krishnamachari (chess), G.D. Boaz (psychology) and many others which ensured a treasure trove in terms of material to read. In the mid-1940s, my grandfather, a retired judge, was deeply upset when he read a banner headline: "Restore the cut". He gave me a long explanation on how it was all wrong to describe 'a cut' that can be 'restored'. He felt an eminent daily ought to have been more careful. I also remember how well the daily dissected the incorrect usage of the word 'normalcy' instead of 'normality'.

S.N. SARMA, Bengaluru

I have been a reader since 1961 when the Madras edition used to reach Bhilai (in then Madhya Pradesh) the next day. I recollect the many memorable columns: Emery Kelen's "On Second Thought", "Brain Twisters", "Look and Learn", "Know your Africa", "Know your Latin America"... clippings of these columns still continue to adorn my scrapbook.

D.N. RAGHAVENDRA RAO, Bengaluru

As a reader for the past 50 years, I wish to acknowledge the role the daily has played in developing my knowledge of English. My father, who lived up to 96, was also an avid reader, and we often heard him say that he was grateful to god for having given him good eyesight to read till the last paragraph. I agree with the views of some readers that there appears to be a perceptible change in

the style of reporting and choice of articles which are not neutral. At times, it seems to be presenting only one side of the coin. Readers also deserve more space for letters.

S.V. VENKATKRISHNAN, San Jose, California, U.S.

India's tally

We have nothing but positives to take from the Asian Games in Indonesia (Editorial – "Medal meter",

September 4). A haul of 69 medals is no mean feat given the economic backgrounds of many of the sportspersons in the Indian contingent and the training resources available to them. A number of the winners are under-23 and have many more years to make their mark in Indian sports.

CHIRAG AHUJA, Mohali, Punjab

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CORRECTIONS & CLARIFICATIONS:

The abbreviation, LEMOA, stands for Logistics Exchange Memorandum of Agreement – not Logistics Exchange Memorandum of Understanding as the report, "Talks on for logistics deal with Russia" (Sept. 4, 2018), said.

It is Unlawful Activities (Prevention) Act – not Unlawful Atrocities Prevention Act, as given in the infographic titled "Anatomy of a clash" (Sept. 4, 2018, some editions).

In the Editorial page article, "For a shift in gear", the author Feroze Varun Gandhi (Sept. 3, 2018) had attributed to Paul George (Scroll, August 28, 2018) this recommendation: "We need to revise the norms for disaster relief in India. Each State and district has different costs for labour and construction, making the idea of a uniform amount for relief redundant..." The attribution was inadvertently deleted in the editing.

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