



Murder at noon

The deadliest attack in seven years is a reminder of the Maoists' strength

Monday's ambush of a Central Reserve Police Force battalion in Chhattisgarh's Sukma district is a tragic reminder of the failure of the Indian state to effectively address the security challenge the Maoists continue to pose. At least 25 CRPF personnel were killed near the Burkapal camp in south Sukma while out on duty to provide protection for road construction on the Dornapal-Jagargunda belt when the Maoists struck. This is the deadliest such attack in the past seven years. In April 2010, in neighbouring Dantewada district in the same Bastar division of the State, 76 CRPF personnel had been killed in a Maoist strike. Besides confirming the strong Maoist hold in the region, Monday's attack also raises questions about the Standard Operating Procedures and precautions adopted by the CRPF. Around 300 armed insurgents swooped down on the battalion around 1 p.m., when the soldiers were taking a break for lunch and their guard was presumed to have been down. According to initial estimates and eyewitness accounts, the Maoists used automatic weapons that they had stolen a month ago when they ambushed and killed a dozen CRPF men not very far from this encounter site. The site of the attack too carried a message. The road under construction will provide easy access to the backward region, where Maoists have for long held sway. It has been a long-held strategy of the Maoists to blow up infrastructure that enables connectivity, such as roads and bridges, or establishes the presence of the state, such as schools.

The response must be to double down to extend the presence of the administration in Bastar, to break the isolation and reach social services to the people. There is also a need to boost the morale of the security and police forces. The recent spate of attacks and ambushes indicates a breakdown in intelligence-gathering, possibly on account of a lack of effective coordination between the State police and paramilitary forces. It may have had no bearing on the attack, or the probability of averting it, but the fact that the post of the Director General of the CRPF continues to be vacant is a lapse amplified by the tragedy. The inadequacies are more grave than this administrative oversight. The State police forces in Maoist-affected areas have more or less abdicated their duties of law and order, leaving the job almost entirely to the paramilitary forces. The Centre needs to urgently put in place, in mission mode, measures to strengthen, expand and arm the State police, most of all in Chhattisgarh. This needs the State governments to show far more political will to persuade local communities than they currently do. The Maoists long ago lost the argument with their murderous ways; but the political and civil establishment is yet to win that argument by addressing the people's security and welfare needs, and their concerns about extractive state policies.

A call for reform

The IMF could turn irrelevant unless it reforms to keep up with rival global institutions

Finance Minister Arun Jaitley has demanded reforms to the International Monetary Fund's controversial quota system, shedding light on the problems facing the Bretton Woods institution in today's global economy. Quotas determine the size of contingency funds at the disposal of the IMF to lend to countries in need of help, as well as the power of individual countries to influence lending decisions and tap into the funds themselves. Though developing countries hold less than half the overall quota at the moment, with their rapidly increasing economic heft they have demanded a greater share – with limited success. In this context, speaking at the spring meetings of the IMF, Mr. Jaitley reiterated the need to reform the quota system further. Else, he warned, the legitimacy and credibility of the IMF could be eroded. The 15th General Review of Quotas (GRQ), the most recent attempt to revise the size and composition of the system, was to be completed by October 2017, but the deadline has now been extended to 2019. The delay was not unexpected, given the poor precedent set by the long delay in adoption in 2016 of the previous GRQ (originally approved in 2010). That had doubled the overall size of the quotas to \$659 billion (from \$329 billion) while allotting an additional 6% of quotas to the developing world. But with the rise of competing global institutions ready to meet the capital needs of the developing world, the patience of countries such as India may be tested more easily.

Also at stake is the potency of the IMF in keeping up with the changed fundamental needs of developing economies. The developing world is looking beyond the short-term crisis management tools that the IMF, as the sole international lender of last resort, has traditionally offered them for decades now – albeit in an unsatisfactory and politically biased way. China, for instance, with its steadily rising influence on the global economy, has grown to be the focal point for economies seeking alternative sources of capital to fund their long-term growth needs. This month, Mr. Jaitley announced that India is seeking \$2 billion from the New Development Bank, set up by the BRICS countries in 2015 with a more equitable power structure, to fund infrastructure projects. The Asian Infrastructure Investment Bank, launched in 2014, could be an even bigger threat to the IMF's influence given its larger membership, lending capacity and international reach. In this environment of competition, the IMF will have to do more than just superficially tinker with its asymmetric power structure and outdated quota system. Else, it could be slowly but steadily pushed into irrelevance. Meanwhile, it remains to be seen whether India will continue to push for reforms at the IMF even as it simultaneously seeks to diversify its funding base, or whether it will assume a bolder stance in openly favouring one over the other.

Hedging bets as Trump scouts for deals

With the U.S. President's messaging still far from reassuring, India will have to firm up other alliances



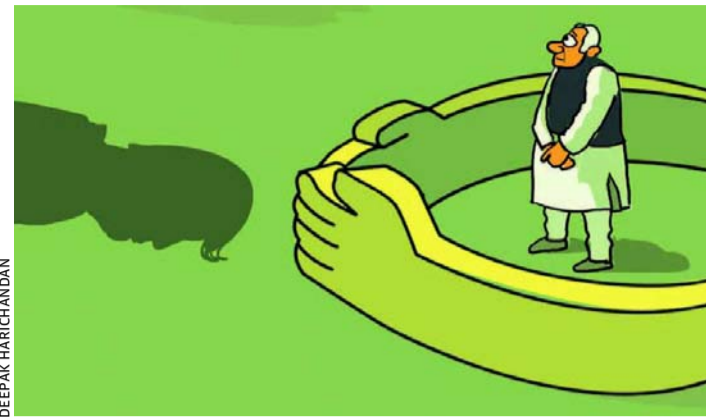
VARGHESE K. GEORGE

Campaign in poetry, govern in prose. This has been an American explanation for Presidents abandoning their campaign rhetoric soon after moving into the White House. But for someone who campaigned in tweets and governs in tweets, that is a not entirely helpful guide. On April 29, Donald Trump will complete 100 days as the 45th President of the U.S. Some analyses based on his campaign rhetoric have become redundant as he has abandoned a part of it. But a composite view of what the U.S. under Mr. Trump stands for is still missing.

Mixed signals

His decisions to bomb Syria and Afghanistan, targeting the Bashar al-Assad regime and the Islamic State, respectively, were interpreted by many as a mark of his new-found willingness to assert America's role as the sole superpower. He has not opened a trade war with the rest of the world by imposing tariffs on goods from Mexico or China as he had threatened during the campaign; he has abandoned his position that China is a currency manipulator, and he has admitted, concluding a long transition, that the North Atlantic Treaty Organisation is "no longer obsolete". The Secretaries of State and Defence, and the Vice President have travelled to Europe and Asia, seeking to soothe frayed bonds with traditional allies, raising hopes that the feared convulsions in U.S. foreign policy have been averted.

But Mr. Trump's disruptive



DEEPAK HARICHANDAN

streaks have already struck decisive blows. Washington has withdrawn from the Trans-Pacific Partnership, a 12-nation trade treaty that Barack Obama said would buttress U.S. leadership in the Pacific; and the administration is reviewing withdrawal from the Paris climate agreement. A review of U.S. trade ties with partners is underway, with the purpose of bringing down the country's trade deficit. Another review targets guest worker programmes that allow skilled foreign workers to come to the U.S. temporarily.

The Trump administration has not articulated its views on relations with India, though Indian interlocutors who met with U.S. officials in the last three months say there is a "positive view of India". Political positions in the administration that deal with India remain unfilled, but one appointment to the National Security Council is possibly a pointer to how the new administration's thinking on South Asia could take shape. Lisa Curtis, senior director for South and Central Asia at the NSC, would be a key White House point person for India, Pakistan and Afghanistan. She has been highly critical of Pakistan's support for terrorism. Among other signals relevant

for India, Mr. Trump mentioned India, without naming it, in his first address to Congress as one country that imposes 100% duty on Harley-Davidson motorcycles; and a White House official named some Indian IT companies for allegedly gaming the lottery system that selects 85,000 H-1B visa recipients every year. At the UN, American Ambassador Nikki Haley offered to mediate between India and Pakistan, and expressed concern about the region being a potential nuclear flash point. A new document released by the U.S. Trade Representative listed out a series of market access and intellectual property related complaints against India. U.S. officials raised the Modi government's crackdown on Christian charity Compassion International (CI) with Foreign Secretary S. Jaishankar and National Security Adviser Ajit Doval. India has refused to budge on the issue, and CI has stopped its India operation.

No 'strategic altruism'

What could India expect in the coming months? The days of "strategic altruism" in America's approach to India may be over, said strategic affairs expert Ashley J. Tellis at Georgetown University's

India Ideas Conclave last week: "The new administration is likely to ask of India... 'what have you done for me lately?' There is no good answer that India may come up with for that question. And from an Indian perspective, I am not sure whether the U.S. would be ready to provide ready satisfaction on key policies relating to both Pakistan and China."

Former Assistant Secretary of State Nisha Biswal agrees. "In a meeting with Prime Minister (Narendra) Modi, I fully expect President Trump to ask in a much more blunt fashion than our partners are used to, how are you going to help in Afghanistan? What are you willing to do in fighting the Islamic State?" she says. "What is the piece of the puzzle that you are going to fill in Syria or East Asia?"

India-U.S. relations under Mr. Modi and Mr. Trump will develop under the bilateral and collateral impact of American ties especially with China and Pakistan. India is keen to maintain the momentum of bilateral relations, but irritants could easily play up, said Mr. Tellis, for three reasons. "One, the U.S.-India relationship is not a relationship between equals. It is a relationship between a mature hegemonic power and a post-colonial state. So even small things have consequences. Two, India has still not made a complete transition to a market economy where it has learnt to separate commercial disagreements from other parts of the relationship. And, if these difficulties arise against a backdrop where there is no U.S. geopolitical assurance towards India, then the salience of these difficulties would only increase. We need to get the architecture right."

On the western front, America's relations with Pakistan will be driven by its plans for Afghanistan. U.S. military planners are now talk-

ing of extending troop presence in Afghanistan for five to ten years more, and increase the numbers. With the Trump administration heading into confrontation with Iran due to pressure from Saudi Arabia and Israel, and with Russia due to domestic political reasons, its dependence on Pakistan could only increase in the immediate future. In an unusually candid admission during a discussion at the Stimson Center recently, former Special Representative for Af-Pak Richard Olson said the U.S. has limited leverage in shaping Pakistan's behaviour.

A complex chessboard

Mr. Trump has declared his recent meeting with Chinese President Xi Jinping a huge success, saying that all outstanding issues could be easily resolved. Starting from an extraordinarily confrontational position by questioning the 'One China' policy, the Trump administration now appears all too willing to please Beijing, leaving even treaty allies Japan and South Korea nervous. But the fear of a U.S.-China embrace leaving out other partners in the region is misplaced, says Ms. Biswal: "There is not a grand bargain out there in which the U.S. and China, in their G-2 format, will carve out the region... It is going to be a complex situation, dealing with each state bilaterally. This may not be articulated as a strategic doctrine the way we are used to."

India has reasons to be concerned, and for now, it may hedge. The representative of a U.S. defence giant at a dinner hosted in honour of Finance and Defence Minister Arun Jaitley in Washington last week did not miss the point that his next stop was Moscow.

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The expanding universe of IP

Granting data exclusivity for clinical trials would undermine access to medicines

FEROZ ALI & ROSHAN JOHN

April 26 is World Intellectual Property (IP) day. Over the years, global IP standards have steadily expanded beyond World Trade Organisation (WTO) requirements, thanks to free trade agreements such as the Regional Comprehensive Economic Partnership (RCEP) which India is currently negotiating with its trading partners. But there is new cause for worry. Apart from increasing the scope of existing IP rights, there is a move to create new IP-like rights. A case in point is data exclusivity exclusivity over clinical trial data submitted by drug companies to the regulatory authorities for market approval, the grant of which could severely undermine access to medicines.

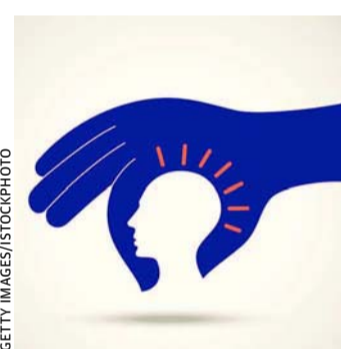
The propensity to expand the universe of IP is not new: businesses have demanded patent protection for the way they do business; motorcycle manufacturers have got into dispute over the trademark on the exhaust sound of motorcycles; and animal activists have fought for copyright in a selfie taken by a monkey. IP in the modern world defies definition, transcends boundaries and has become synonymous with ascribing value to things that we don't fully understand. The issue of whether India should offer data ex-

clusivity – one of the key issues discussed in the RCEP – is tied to our understanding of what amounts to IP and whether we are obliged to protect it.

Why data exclusivity?

Data exclusivity prevents drug regulators from referring to or relying on data submitted by an originator company relating to a drug's safety and efficacy while approving bio-equivalent versions of the same drug, i.e. therapeutically equivalent generics and biosimilars for a fixed period of time. A drug that comes to the market for the first time undergoes extensive preclinical and clinical trials on animals initially and human beings later before it is introduced for public use – a time-consuming and expensive process. Developed countries, on behalf of their pharmaceutical lobbies, seek data exclusivity in developing countries arguing that this is necessary to recognise and incentivise the efforts put in to bring a new drug to the market along with recovering the research and development costs incurred – arguments similar to those used to justify the grant of patents.

However, such exclusivity would prevent market entry of generic versions of the drug, which could be detrimental to the larger public in-



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Pharmaceutical companies have been pushing for data exclusivity to prolong already existing monopoly and delay competition from generics even after the expiry of the 20-year patent term or to gain exclusivity on non-patented drugs. In India, such a system may negate the impact of Section 3(d) of the Patents Act, which disallows evergreening patents. With data exclusivity, a company could nevertheless gain exclusive rights over such drugs even though they are not patented. This is because during the period of exclusivity, regulators are barred from using the originators' data to grant marketing approval to generics; generic companies would then be required to repeat the entire cycle of clinical trials already conducted instead of merely establish-

ing bioequivalence to prove efficacy. As seen in countries where data exclusivity is granted, generic companies do not undertake such clinical trials and their versions of the drug accordingly stay off the market as long as the period of data exclusivity lasts. With restricted market entry of generics, artificially high drug prices remain which puts medicines beyond public reach. Apart from the financial costs, repeated clinical trials on human subjects raise ethical and moral concerns.

Unlike in the West, India does not offer data exclusivity and allows bioequivalent generics to be registered based on, among other things, trial data available in the public domain.

Test data as a public good

The argument that clinical trial data needs exclusivity in the light of the money expended is an untenable one. Automotive companies spend millions of dollars on data generated in car crash tests to ensure passenger and pedestrian safety. Automotive companies have not made any proprietary claim on the data generated, yet. Unlike automotive companies which use crash test dummies, pharmaceutical companies that test their drugs on human subjects have a greater obliga-

tion to make the data public and IP-free. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) does not mandate data exclusivity. Providing data exclusivity is a TRIPS-plus measure. According IP-like protection to data exclusivity is not advisable for three reasons.

First, it is an absolute protection granted without any institutional check such as opposition and revocation as available in other forms of IP and ends up as an irrevocable exclusivity to the originator. Second, the U.S. Supreme Court in *Mayo v. Prometheus*, 132 S. Ct. 1289 (2012) has excluded patent protection to biological correlations, terming it as an extension of natural laws. Extending IP-like protection to clinical observations – the primary objective of data exclusivity – will open a window to claim exclusivity in a subject matter traditionally excluded under patent law. Third, offering IP-like exclusivity solely on the basis of money spent in regulatory testing will set a bad precedent for other industries that may now claim an IP when there is none.

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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.

Easy targets

The massacre of CRPF personnel in Chhattisgarh is a grim reminder of the ruthlessness of the Maoists ("25 CRPF men killed in Maoist attack", April 25). The question is: why are security forces 'sitting ducks' in the hands of the Maoists? Why is there no planning or strategy to face them? Is there any accounting of public funds being spent to neutralise these misguided people who have taken to arms to achieve their goals instead of engaging in dialogue to sort out issues?

V. PADMANABHAN, Bengaluru

While the governing council of NITI Aayog was unveiling its action plan for the next three years to realise the dream of a 'New India', it was Naxal cadres in action in Sukma, Chhattisgarh, who showed that we have still miles to go before we can reach this goal. It's shameful for a country aspiring to be a developed nation to lose security personnel. The problem of left-wing

extremism is not as simple or of a low scale as the government thinks it to be. The decades-long persistence of Naxalism marks a policy failure on the part of the government. The 'old' India must have a vision plan to uproot this Naxal monster once and for all before dreaming of a 'New India'.

KIRAN BABASAHEB RANSING, New Delhi

Most of the personnel are from the lowest rung of the force and have always had to bear the brunt of such attacks. Police personnel need to be properly guided and a counter-intelligence system put in place. With modern weapons, GPS and other sophisticated communication gadgets in place, the force should not have suffered these many casualties. Let's hope the families of the personnel will now be well cared for by the government. On its part, the government should not view the episode as a 'B'-grade movie plot and begin retaliatory attacks. With huge amounts being allocated for rural

development and poverty alleviation, the government should utilise the services of committed officials so that the benefits reach the marginalised and tribals. There should be attempts to begin multi-level consultations with Maoists. This may not be a unique or a novel approach, but it will send out the signal that democracy is alive.

P.S.S. MURTHY, Hyderabad

Losing Kashmiri hearts

The festering Kashmir problem has now reached boiling point ever since youngsters have started taking to the new method of throwing stones at and exhibiting hostility towards security personnel (Front-page stand-alone picture – "Maiden attack" and "Girl students join protests", both April 25). When two ideologically opposite political parties, the PDP and the BJP, formed the government in Jammu and Kashmir, there was some hope that they would be able to restore peace in the Valley. But now that women are a part of the protests, it

reflects the ground situation. It is obvious that economic packages have no effect. We always project youth as the future flag-bearers of a country, but now that they are out on the streets, and in droves, there is a need to engage their minds and listen to their grievances. It is a war between Pens and Pellets, and Books and Bullets.

K. JAYANTHI, Chennai

'Promotion' of Hindi

The slogan of the BJP-led government 'Sabka saath sabka vikas' rings hollow as the only vikas seen on the ground is 'Hindi language ka vikas', where undue haste and importance is being shown to promote Hindi in all possible ways to the detriment of all the other languages listed in the Constitution. This is only inviting resentment as far as the non-Hindi speaking population is concerned. In the long run, this enthusiasm for Hindi at all costs is likely to jeopardise the unity and integrity of the country built over years of hard work and shared

mutual respect for all language groups. Why the government is pursuing a suicidal policy of division in the name of language is hard to fathom when there is so much to be done in other areas concerning the welfare of the people and their well-being.

V. PADMANABHAN, Bengaluru

Phalke for K. Viswanath

It is delightful, though late, that the coveted Dadasaheb Phalke Award for 2016 has been bestowed on filmmaker K. Viswanath. He is a rare film-maker who strongly believes that cinema is a social weapon that can be utilised to bring good to society. His films reflect the hard realities of life, bring out emotional variations in his diverse characterisation, and serve as a platform for his intellectual radiance and vivacity. Who can forget his pièce de résistance *Sankarabharanam*, that turned Telugu cinema in a new direction by using a simple style? His distinctive style has always captured the hearts of

millions of cine-goers. We hope that actors and directors continue to be inspired by this giant.

R. SAMPATH, Chennai

No grace marks

The flat addition of grace marks enabled large numbers of students with varying levels of performance to come close to the magic figure of 95% and above which made the selection process for higher educational institutions more complex. Students should realise that there is no substitute for hard work ("Moderation system to end", April 25). Question paper setters should exercise enough care and frame questions in a balanced way to be fair to all students. Setting a balanced question paper in any subject is an art and requires as much skill as the task of teaching. Steps must be taken to ensure that we have a well-educated student population.

M. SUBBIAH, Chennai

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