

Constitutionalism

- In 2019, a wave of protests engulfed the country of Chile.
- These protests were triggered by familiar themes: social inequality, the cost of living, and probity in governance.
- But at the heart of the protests was also the fact that Chile's Constitution was no longer fit for purpose.
- Drafted in 1980, under the military regime of General Augusto Pinochet, the Chilean Constitution embodied what is popularly known as Chicago School economics: market deregulation was not just a policy choice, but encoded into the Constitution, with one of its most notorious elements being the privatisation of water as a constitutional imperative.
- Over the years, this led to Chile becoming one of the most unequal countries in the world.
- Constitutionalism is "a compound of ideas, attitudes, and patterns of behavior elaborating the principle that the authority of government derives from and is limited by a body of fundamental law"
- In the latter half of the 20th century, it came to be understood that this vision of constitutionalism was necessary, but inadequate, to address the many problems faced by countries across the world.
- For one thing, Constitutions tended to ignore the "social question", and issues around equitable access to material resources.
- It was recognised that mere periodic elections constitute only a thin and attenuated version of democracy. This is exacerbated by the fact that elections require money, and often the backing of established political parties.
- Thus, to have a rich and thriving democracy, there needs to be a deeper and more substantive involvement of the people, in between election cycles.
- The draft Chilean Constitution acknowledges the gravity of the climate crisis, and constitutionalism important principles of international environmental law, such as inter-generational equity.
- It also guarantees a right to nature, which is something that courts in different countries, from India to New Zealand, have recently explored.

THE HINDU

AMASR ACT

- Section 20 of the Ancient Monuments and Archaeological Sites and Remains (AMASR) Act of 1958, last amended in 2010, prohibits construction within a 100 meter radius of all Archaeological Survey of India (ASI) protected monuments and regulates activities within another 300-meter radius.
- The new Bill proposes to revise this section.
- Henceforth, expert committees will decide on the extent of the prohibited and regulated areas around each monument and activities permitted herein.
- The ASI protects around 3,700 archaeological sites and ancient monuments.
- Each monument was integrally connected to the landscape around it.
- Here are a few examples. Rock-cut sanctuaries from Barabar (Bihar) to Ajanta (Maharashtra) and from Masrur (Himachal Pradesh) to Guntupalli (Andhra Pradesh) were physically connected to outcrops and canyons. Pattadakal's temples (Karnataka) were symbolically linked to the Malaprabha River that flowed past them.

- Viramgam's Munsar Talav (Gujarat) was the centrepiece a landscape consisting of interlocking ponds, sluice gates, decanting wells, irrigation canals, and farmlands.
- Moreover, permitting construction work risks weakening the foundations of centuries-old edifices
- For a well-trained historian, the earth around an archaeological site or ancient monument is like a text. If construction machines disturb it, then artefacts long buried in layers of soil risk being broken and their contexts destroyed. This makes the task of undertaking new research more difficult.

THE HINDU

NEW Drugs and Cosmetics Bill

- The draft bill seeks to replace the existing Drugs and Cosmetics Act of 1940, to accommodate the changed requirements and adaptation of new technology.
- The ministry said that "The Drugs and Cosmetics Act, 1940 is pre-Independence legislation enacted by the Central Legislative Assembly.
- The review of obsolete laws and updating of the existing laws is a continuing process to accommodate changed requirements and adapt to new technology."

What are the important definitions mentioned in the draft bill?

- The bill proposes new definitions for clinical trials, over-the-counter drugs, manufacturers, cosmetics, medical devices, new drugs, bioavailability studies, bioequivalence studies, investigational new drugs, proprietary medicine and imported spurious drugs, among others.
- The bill introduces a separate definition for medical devices that includes all types of diagnostic equipment and its software.
- It will also include implants, devices for assistance with disabilities, and a life support system, instruments used for disinfection, and any reagents or kits. The previous 1940 Act regulated medical devices on par with drugs.

What will change for medical devices?

- In Chapter II of the draft, the ministry made a provision for the creation of a 'medical devices technical advisory board'.
- This board will include medical professionals and people with technical knowledge of the devices. Officials from the Health Ministry, Department of Atomic Energy, Department of Science and

Technology, Ministry of Electronics, DRDO, and experts in the field of biomedical technology, biomaterials, and polymer technology will be part of the board.

- At present, the decisions regarding medical devices are taken by the 'drugs technical advisory board'.
- The bill also proposes medical device testing centres on the lines of drug laboratories in states and at the central level.

What will change in the import of drugs and cosmetics?

- Chapter III of the draft, states that the center can regulate or restrict the import of drugs, in the public interest if the drug is essential to meet the requirements of an emergency due to an epidemic or natural calamities.
- If the use of any drug or cosmetic is likely to involve any risk to human beings or animals or that any drug does not have the therapeutic value claimed for it, the government may, by notification in the Official Gazette, prohibit the import of such drugs and cosmetics in the public interest. It also mentions the penalty for the import of drugs or cosmetics in breach of the proposed regulation.

What will change for clinical trials or clinical investigations?

- For the first time, regulations for conducting clinical trials for new drugs and medical devices have been highlighted.
- Chapter IV of the draft, states that clinical trials or clinical investigations of drugs and medical devices will need compulsory permission from the central licensing authority.
- At present also the companies have to seek permission from the apex drug regulator to conduct trials but it was not mentioned in the previous law.
- It also mentions that medical management and compensation have to be provided to persons who are injured while participating in clinical trials.
- In case of death, the legal heir of the participant should be awarded compensation.
- The one who fails to provide the same will be punishable with imprisonment or a fine.
- What are the provisions relating to Ayurveda, Siddha, Sowa Rigpa, Unani and Homoeopathy drugs?
- Chapter V of the draft proposes to establish a scientific research board to support the regulatory authority on the advances used for developing innovative drugs of Ayurveda, Siddha, Sowa-Rigpa, Unani, and Homoeopathy, their safety and efficacy, making devices and other related matters.
- For the first time, there is a separate segment which proposes to regulate Sowa Rigpa and Homeopathy, under AYUSH, encouraging the use of modern science and technology to develop innovative drugs and devices across the AYUSH branch of medicines.
- The current bill only regulates Ayurveda, Siddha and Unani drugs and cosmetics.
- What does the draft mention about the manufacture, sale, distribution and clinical trial of medical devices?
- In Chapter VI of the draft, regulations for medical devices, investigational medical devices, clinical trials of investigational medical devices etc have been mentioned. In the interest of public health or extreme emergency of medical devices, the clinical investigation for the manufacture or import of a new medical device in the country.
- Similar to drug clinical trials, medical management and compensation has to be provided to persons who are injured while participating in such an investigation.

- **What does the draft mention about online pharmacies?**

- The draft recognizes the issue of e-pharmacies and states that the Union government would come up with rules and regulations to regulate the online sale of drugs.
- It mentions that “no person shall himself or by any other person on his behalf sell, or stock or exhibit or offer for sale, or distribute, any drug by online mode except under and in accordance with a license or permission issued in such manner as may be prescribed.”
- It also prohibits such sales for the category of medical devices.
- At the end of the draft, the first schedule mentions standards to be complied with by imported drugs and by drugs manufactured for sale, sold, stocked or exhibited for sale or distributed.
- The second schedule mentions the fee payable for license, permission, registration certificate and approval.

THE HINDU

INNER PARTY DEMOCRACY

- with India, where the Prime Minister exercises absolute authority over party MPs, whose ability to even diverge slightly from the official

government line on routine policy matters is almost non-existent.

- The Prime Minister’s power is strengthened by India’s unique anti-defection set-up, where recalcitrant MPs who do not manage to carry two-thirds of their colleagues with them (an astronomical number in real terms at the national level) can always be disqualified.
- In effect, MPs do not enjoy any autonomy at all to question and challenge their party leadership. This reduces them to cheerleaders and mouthpieces for whoever happens to lead their party at that time.
- Our Westminster system allows voters to be heard once every five years.
- The underlying assumption is that, in the interim, their voice is articulated through their representatives.
- It is time for India to seriously consider empowering its elected representatives, to ensure accountability for party leadership.
- MPs in the U.K. are able to act boldly because they do not owe their nomination to the party leader, but are selected by the local constituency party.
- In India, however, it is the party leadership that decides candidates, with an informal consultation with the local party.

- Neither do MPs in the U.K. stand a risk of disqualification if they speak out against the leader, a threat perpetuated in India through the anti-defection law.

1922 Committee

- The 1922 Committee, also known as "the 22", is a committee of all backbench Conservative MPs that meets weekly when the Commons is sitting.
- Its chair, usually a senior MP, is elected by committee members and has considerable influence within the Parliamentary Party.
- Despite its name, the 1922 Committee was actually set up in April 1923 following an initiative by new Conservative MPs elected at the 1922 General Election to facilitate cooperation within the party.

THE HINDU

LION CAPITAL

What is the history behind the national emblem?

- Four Asiatic lions are part of the national emblem with three lions being visible to the naked eye and the fourth one always hidden from general view.
- They are taken from the Sarnath Lion Capital of the Mauryan emperor Asoka.
- The seven feet tall sculpture made of polished sandstone represented courage, power and pride.
- Built-in 250 BC to commemorate the first sermon of Gautama Buddha, where he is said to have shared the Four Noble Truths of life, it was mounted on a base of a frieze of smaller sculptures, including a horse (under fire in the new replica for its tail supposedly resembling that of a dog), a lion, a bull and an elephant moving in a clockwise direction.
- The four animals are said to be guardians of the four directions north, south, east and west.
- They are separated by a wheel, representing the Dharma chakra of Buddhism, on all four sides. Each chakra or wheel has 24 spokes.
- The chakra was later adopted as part of the national flag.
- This abacus was mounted on an inverted lotus which is a symbol of Buddhism. Chinese traveller Hiuen Tsang has left a detailed account of Asoka's lion pillar in his writings.
- The pillar was part of Asoka's plan to spread Buddha's teachings. After the large-scale massacre in the Battle of Kalinga, Asoka was shaken and

embraced Buddhism with its emphasis on ahimsa.

- He decided to propagate his principles throughout his empire through the Major and Minor Edicts.

Why did the Constituent Assembly embrace the Sarnath pillar as the national emblem?

- As India won independence, the Constituent Assembly decided on the Sarnath pillar as the national emblem.
- It was felt that the pillar epitomized the power, courage and confidence of the free nation.
- The emblem depicts a two-dimensional sculpture with the words Satyameva Jayate (truth alone triumphs) written below it, taken from the Mundaka Upanishad, written in Devanagari script.
- On January 26, 1950, the Lion Capital of Asoka at Sarnath officially became the national emblem of India. The emblem represents the seal of the Republic of India.

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