

## **SC nod for guidelines to protect saviours of accident victims**

The Supreme Court passed orders confirming a Central notification issuing a standard operating procedure (SOP), for the protection and examination of 'good Samaritans' — those who help road accident victims — and make it binding on all State governments and authorities.

The court's endorsement of the notification, issued by the Transport Ministry, is a boost to concerted efforts at changing the public's tendency to turn away from a road accident victim.

The lives of more accident victims could now be saved since the SOP is meant to protect good Samaritans from legal and procedural hassles at the hands of police and hospitals. They include:

1. assurance of anonymity,
2. protection from any civil or criminal liability for taking the victim to the nearest hospital, and
3. suitable reward for the lifesaving initiative in some cases
4. They would be treated respectfully and without discrimination on the grounds of gender, religion, nationality, caste or any other.
5. use of video-conferencing in case of any further interaction with him by the authorities, and
6. Provision for the police to examine him at his residence or office or any place of his convenience.

The Supreme Court's judgment making it binding on all States and Union Territories to implement the guidelines notified by the Centre protecting good Samaritans is a welcome one. Although notified by the Centre, most States were treating the guidelines as merely an advisory. But, now, noncompliance would be treated as contempt of court, making them and the standard operating procedures as good as law.

## **Media and the crisis**

1. Failure of the media to **regulate** itself
2. **Manipulation** of the media for communal gains
3. The more the Indian population had become heterogeneous, the more the media was becoming homogenous with the **corporatisation** of the media
4. Journalism has been reduced to a revenue stream
5. If you want to break democracy, secularism, and fraternity, you have to break the media first
6. The job of free and truthful journalism is to "comfort the afflicted and afflict the comfortable"
7. The greatest exposures in journalism in the last decade had come not from mainstream journalists but people such as Julian Assange, Edward Snowden, and Chelsea Manning.

## **Women's Reservation Bill**

The Constitution 108<sup>th</sup> Amendment Bill to reserve for women one-third of seats in Parliament and the State legislatures.

1. The real stumbling block to the Bill has not been political from parties opposed to it, but essentially patriarchal within the very same parties that have affirmed support to it.
2. Opposition to the Bill has often taken the form of a demand for the proposed quota to be diced along other parameters of disadvantage, such as caste and class.
3. Caution that women's quota would be appropriated by relatives and proxies of powerful politicians.

Women represent almost 50 per cent of the population of India. But their representation in Parliament is only about 10 per cent. The injustice of denying representation of women in legislative decision making is underlined in the context of overall development indicators of women.

1. Despite the exercise of patriarchal controls, caste and manipulation, reservation has helped many women to overcome major social taboos and constraints.

2. Their preoccupation with access to real development -- 'softer issues' — health, family child care, literacy, schools, housing, drinking water programmes has led to the prioritisation these issues.

### **SC's PIL for gender parity**

An initiative by the Supreme Court to probe gender discrimination in Islamic personal law has opened the door for Muslim women hailing from various parts of the country to come forward against their own religious practices of marriage, divorce and property inheritance.

Women who practice Muslim faith are still subjected to grave social evils that find sanction in the Shariat law and as a consequence, proliferates discrimination against the Muslim women in society.

The community was stuck in time since the passage of **Muslim Personal Law (Shariat) Application Act** by the British in 1937.

Progressive laws like the Dissolution of Muslim Marriages Act, 1939, and the Muslim Women (Protection of Rights on Divorce) Act, 1986, have not been able to wean the community away from discrimination shown to Muslim women.

### **Keep parties out of RTI Act**

If the court decides that parties are indeed public authorities, six national parties involved in the litigation will be accountable to the public and will have to disclose the details of their income, expenditure, funding and donations and the identity of donors.

A political party is a "voluntary association of citizens" who believe in an ideology. They hold free and frank discussions. Declaration of a party as a public authority would "destabilise the very party system in the country." Opponents would use the RTI Act as a tool to gain access to confidential information. "In a democratic political system, protection is granted to political parties to keep the confidentiality of the inner-party discussions on policies, programmes, assessment of other political parties, the governments, attitude towards them, chalking out agitations and struggles against the wrong policies of the government, preparation of manifestos, selection of candidates and leaders to the various levels of the party.

### **Political parties must maintain properly audited accounts, says High Court**

1. The Delhi High Court has ruled that political parties should satisfy the requirement of the Income Tax Act, 1961, for **maintaining properly audited accounts of income** received through voluntary contributions. If this is not done, a party cannot claim exemption from paying income tax on these contributions.
2. Proper auditing of accounts of political parties was imperative and critical for **free and fair elections**, as they dealt in large sums of public money.
3. This would also infuse **transparency and accountability** into functioning of parties.

### **SC asks Centre to facilitate voting rights for soldiers**

The Supreme Court stood up for the **constitutional right** of soldiers to vote, noting that they risked their lives to protect the borders.

It directed the Centre to finalise a fool-proof mechanism to ensure that their **postal ballots** reached authorities in time so that these soldier do not feel left out in the country's democratic process.

The Centre should pull all stops to ensure that the soldiers' voices are heard loud and clear during election results.

## **Constitution Bench to decide if MPs, MLAs can be disqualified upon framing of charges**

Opening its third chapter against corruption in politics, the Supreme Court decided to lay down the law on whether a legislator facing criminal trial should be disqualified at the very stage of framing of charges against him by the trial court.

**Article 145 (3) to set up a Constitution Bench of five judges:** The minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under Article 143 shall be five.

### Past instances:

The court has been tightening its grip on corruption in politics:

1. **In 2013**, it held that **legislators, on conviction, would be immediately disqualified** from holding membership of the House without being given three months' time for appeal, as was the case before. Before this verdict, convicted lawmakers would file an appeal in the higher court and continue in the House.
2. **In March 2014**, the Supreme Court passed an interim order that criminal trials, especially those dealing with corruption and heinous offences, **involving elected representatives should be completed in a year**. This order prevented lawmakers from sitting in the House as their cases dragged on.

**Section 8 of the RPA** deals with disqualification on conviction for certain offences: A person convicted of any offence and sentenced to imprisonment for varying terms under Sections 8 (1) (2) and (3) shall be disqualified from the date of conviction and shall continue to be disqualified for a further period of six years since his release.

### Motion of Thanks

The President makes a special address to a joint sitting of both Houses, at the beginning of the first session after an election, and at the first session each year (usually the budget session). The address is a statement of government policy, which has to be approved by the Cabinet. The President highlights the legislative and policy activities and achievements during the preceding year and gives a broad indication of the agenda for the year ahead.

The address is followed by a motion of thanks moved in each House by ruling party MPs, followed by discussions that last up to three or four days and conclude with the Prime Minister replying to the points raised during the discussion.

After the PM's reply, MPs vote on the motion of thanks and some may move amendments to the address. The amendments may emphasise or add issues addressed by the President or highlight those that did not find mention. Changes proposed by MPs are not passed in Parliament.

### Real Estate Bill

- About 10 lakh buyers invest every year in a house
- The real estate sector involve 76,044 companies, contributing about 9 per cent of GDP

The sheer scale of these numbers demands that this sector be run on transparent lines, taking into consideration both the need to foster fair play and encourage equity.

### Provisions:

The Act regulates the haphazard functioning and the presence of unscrupulous operators in the real-estate business and provides a sense of comfort and feeling of security to homebuyers.

1. Compulsory registration of any project of the size of 500 sq. metres in size or involves eight apartments,
2. A separate escrow account to park collections,
3. Greater clarity in the definition of carpet area,
4. A tighter penalty norm for structural defects in construction,
5. A mandatory consent clause for changes in construction plans.
6. Stringent disclosure norms and penalty provisions, including imprisonment, in some cases, for delays and other contractual failures on the part of a builder

#### Advantages:

1. Multiplier effect in a growing economy
2. Improvement in trust quotient will strengthen the overall demand sentiment
3. Sense of clarity in the operation of the industry due to better regulatory environment
4. huge opportunity for prospective investors

#### Challenge:

The Central legislation has to be implemented by the States. The responsibility of providing the enabling ecosystem rests with them. The proof of the pudding will lie in the manner the States implement the legislation.

#### Aadhaar Act

The implementation of Aadhaar, however, needs three further ingredients. First, interoperability between platforms in case other platforms are used to deliver benefits. Second, the tendency to adopt non-verifiable alternative platforms, bypassing the Aadhaar, can lead to abuse. Third, while disbursements through DBT using Aadhaar can be quickly effected, withdrawals would require a significantly faster pace of ensuring reliable connectivity, covering all 2,50,000 Panchayats. The suggestions by the Telecom Regulatory Authority of India of using public-private partnership for a faster implementation now deserve priority.

#### Concerns:

1. **Authentication Issues:** Biometric authentication has made the process more painful for the beneficiaries. Sometimes, the fingerprints do not match. Other times, there are connectivity issues. People are harassed by being made to come back multiple times.
2. **Inefficiency, exclusion, corruption:** Rightful beneficiaries are turned away due to biometric-related issues. Aadhaar neither prevents leakages of ration, particularly from the godown to shops, nor does it deter corruption.
3. **Denial of services:** Biometric mismatch has now become a legitimate cover for the state to deny people their due.
4. **Mass Surveillance**

#### New Adoption Law - Interest of child comes first: SC

1. The Supreme Court directed the Centre and the States to frame regulations under the Juvenile Justice (Care and Protection) Act, 2015 to implement the new guidelines for **in-country and inter-country adoption** to make the process transparent, friendly and fool-proof.
2. The new law and its guidelines are “comprehensive” and in line with the U.N. Convention on the Rights of the Child of 1989.
3. The new juvenile law defines “adoption” as the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child.

4. Section 2 of the 2015 Act mandates that adoption regulations should be framed by the authority notified for the purpose by the Centre.
5. It puts in place safeguards against trafficking of children in the name of adoption.
6. Since the issue of adoption is an “emotional” one, it is important to codify the guidelines in law so that nobody took undue advantage of persons wanting a child.

### Prevention of Corruption Act, 1988

1. There is no room for sympathy or leniency towards a public servant convicted of corruption. In fact, the 1988 statute does not even give scope for a corrupt public servant to reform.
2. Once a public official is convicted under the pca, 1988, he automatically loses his job. This situation affords him no second chance to redeem his conduct in public life.
3. The only objective of punishment under the pca is deterrence and denunciation.
4. The 1988 act was amended last year to increase the punishment for corruption. Minimum punishment under section 7 (public servant taking gratification other than legal remuneration) of the act has been raised from six months to three years and maximum punishment from five years in jail to seven years.
5. Under Section 13 (criminal misconduct by a public servant), the punishment was raised from one year to four years and the maximum to 10 years and fine.

### Judicial Activism/ Judicial Legislation

1. It is a solemn duty performed by judges to curb “legislative adventurism and executive excesses”.
2. Such judicial response is not the special attribute of an activist judge but a **solemn role or function or duty** of a judge, who is seen popularly as the court. Judicial activism is the obligatory response of the institution, the court, against injustice.
3. When the legislature’s law proves to be inadequate to administer **justice**, “courts dare and ought to say what the law is and what the law should be.”
4. Addressing the criticism that judicial activism disturbed the “delicate balance of separation of powers,” Justice Joseph said: “**Adoption of separation of powers is partial and not total. Legislature and judiciary are independent, yet judiciary can interpret, review and implement laws made by the legislature.**”
5. PM Modi had recently asked the judiciary to be wary of delivering verdicts driven by “five-star activists.”

#### Past Verdicts’ Significance:

- The Supreme Court, by pioneering **Public Interest Litigation petitions (PILs)**, had made constitutional social rights to housing, education, food, health and livelihood indivisible from the fundamental rights to life, equality and religion.
- It was through judicial activism that the Supreme Court in 2001 ordered States to provide **mid-day meals to school children**. “Today about 100 million children get a cooked meal at school, making this the largest mid-day meal programme in the world. It paved the way for the landmark National Food Security Act, 2013”.

### Maggi case:

- The rapid response of the Centre and the States to concerns about the safety of mass-marketed branded noodles is a welcome departure from the culture of governmental indifference to matters of public safety. Several States have initiated testing of samples of Nestle’s ‘Maggi’ noodles to assess levels of **lead, monosodium glutamate (MSG) and other chemicals**.
- Food safety, particularly in the case of aggressively promoted **packaged snacks aimed at children**, is critically important.

- The Food Safety and Standards Act, 2006, which requires the States to deploy an effective enforcement mechanism, seeks to achieve that with a regime of stiff penalties ranging from fines to a life term in prison.
- It is important to trace the origin of the problem, and its possible linkages to other food articles.
  - This requires State governments to maintain vigilance and undertake sincere, transparent efforts to identify unsafe food
  - For its part, the food industry, which deploys enormous resources for lobbying and advertising, would help its own cause by cooperating with the investigation.
- Overreach: the targeting of celebrities for their endorsement of 'Maggi' products in the past. Celebrities must choose with great care the products and causes they endorse, but there is little doubt that their support has advanced many campaigns for public health, women and child rights, and so on.
- Food safety cannot exist in a vacuum, where the government neglects social determinants of health such as clean water, pollution control, elimination of adulteration, access to energy and freedom from corruption. In contrast to big corporations that have easy access to resources, India's food business also has small, informal-sector participants who depend on it for livelihood. Without a supportive state, even well-meaning food laws cannot be comprehensively enforced.

### The FSSAI

The FSSAI reports to the **Ministry of Health and Family Welfare**, which has not exactly been a beacon of efficiency under any government. Ideally, a body like the FSSAI, whose work is technical, should be headed by a specialist, a scientist perhaps. Instead, it is almost always headed by a retired Indian Administrative Service officer, someone usually associated with the Ministry of Health and who has been rewarded with a postretirement sinecure.

The last time FSSAI was in the news, it had held up large consignments of imported goods (probably certified by superior food regulators) for want of 'proper' labelling.

The FSSAI's actions stank of an old-style inspector Raj. The gross failure of the food safety regulator on something as widely consumed as Maggi should scare India. It should serve as a call to press for more fundamental reforms of the administrative and regulatory structures that are meant to protect consumer interests.

### Ordinance: The Wadhwa exception

- The Supreme Court in *D. C. Wadhwa v. State of Bihar* (1986) held that it is unconstitutional to repromulgate ordinances, unless in exceptional circumstances.
- Before 1986, interestingly, the Central government had never repromulgated ordinances. The practice began only in 1992 when the Narasimha Rao Cabinet resorted to it, thus starting a trend. How could a practice that had already been declared unconstitutional, a fraud no less, be so common?
- *This was because, unfortunately, the general rule in the Wadhwa verdict came with an exception. It was stated that the government may, occasionally, be unable "to introduce and push through" a Bill to convert an ordinance either because "the Legislature [has] too much legislative business" or the time at its disposal is short. In such a case, the verdict stated, the President may "legitimately find that it is necessary to repromulgate the Ordinance". And such "repromulgation of the Ordinance", the Court said, "may not be open to attack".*
- It is high time to revisit this exception

### The water tribunal trap

- There are many tribunals to resolve interstate water disputes, but there is a proposal by the National Water Policy 2012 to set up one permanent tribunal to replace them all. *Water tribunals were set up as alternatives to long-drawn courtroom litigation. If they are today mired in delay themselves, we have to question the procedure and not just the arrangement.*
- The Constitution attaches a special status to interstate water disputes, whereby they neither fall under the Supreme Court's nor any other court's jurisdiction. These disputes can only be adjudicated by temporary and ad hoc interstate water dispute tribunals.

### **All India Conference of Whips**

Chief Whips and Whips of different parties, who are known as practical 'Floor Managers' play an important role as vital links between their respective parties and the Legislatures.

- They coordinate in enabling attendance of members,
- listing speakers for participation in various debates as per the background and interests of members,
- keeping members informed of developments in the Houses from time to time.

In essence, they play a critical role in effective functioning of Legislatures.

Such an importance of Whips in the Parliamentary system had been acknowledged by organizing the First All India Whips Conference at Indore in 1952, in the very first year of general elections to the First Lok Sabha.

The eight major agenda include:

1. Codification of Privileges,
2. Taking up Private Members' Bills and Resolutions for a full day every week,
3. Code of Conduct for Legislators,
4. Ensuring Discipline and Decorum in the Houses,
5. Floor Management in the House and the Increased Role and Accountability of Whips,
6. Ways and Means of Ensuring Continued Presence of Members in the Houses and Increasing the Volume of Transaction of Business,
7. Professional Training and Research Assistance for Legislators and
8. e-Parliament/Legislatures through Increased Use of ICT.

Academia and media demand codification of privileges to end uncertainty in the matter and enable transparent functioning of Legislatures.

### **Private Members' Bills and Resolutions**

These invite the attention of the Government to issues of larger socio-economic concern, which for some reasons, may not be priority for the Government but warrant reform besides enabling free discussion without any directives issued by the political parties.

This provision has enabled over the years, some important enactments like –

- The Muslim Wakfs Act, 1954,
- Suppression of Immoral Traffic in Women and Girls,
- Right of Parliament to Amend Fundamental Rights,
- Abolition of Privy Purses,
- Lowering the Voting Age to 18 years,
- Setting up a National Commission for Women
- Setting up of Agricultural Prices Commission, Inter-State Council, Multi-member Election Commission
- Grant of Pension to Freedom Fighters etc.

## CAG report can't be sole basis for liability or prosecution: HC

- The report of the CAG cannot be the sole basis for any liability being caused or for prosecution to be launched.
- The Supreme Court's verdict, in **Arun Kumar Agarwal vs. Union of India 2013**, had held that reliefs cannot be granted merely based on CAG reports as they are subject to Parliamentary debates and scrutiny before being accepted or rejected.

## Defection and President's Rule

### Defection:

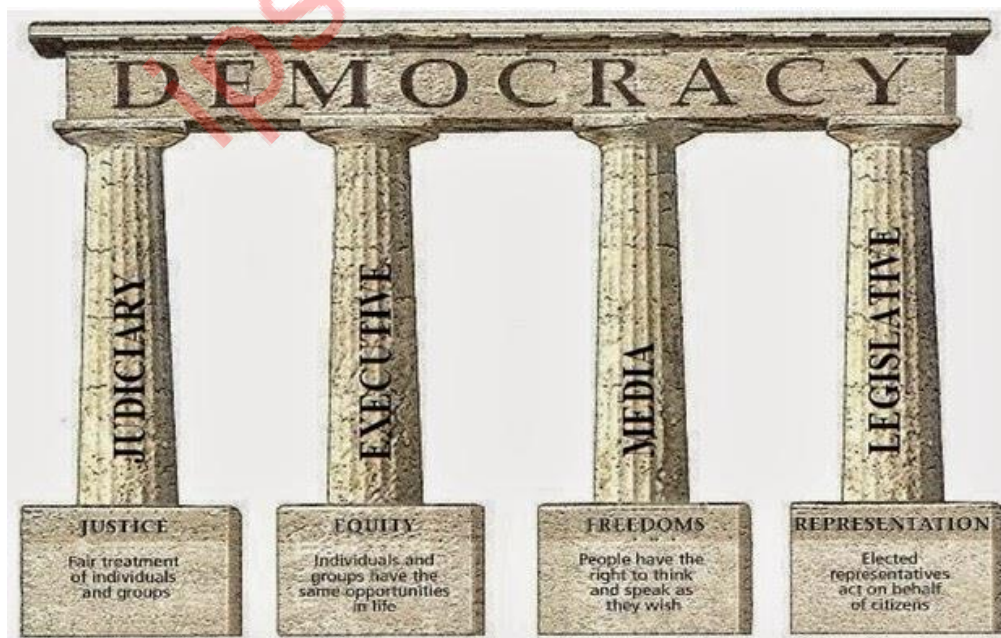
The Supreme Court in ***Kihoto Hollohan v. Zachillhu and Others*** ruled that the Speaker's decisions on disqualification were subject to judicial review.

### President's Rule:

A nine-judge bench in the ***S.R. Bommai v. Union of India (1994)*** case held that:

1. The President's satisfaction in the invocation of Article 356 could be inquired into by the courts.
2. PR could be invoked to protect the Constitution's basic structure
3. President was required to act on **objective material** and that Article 356 could only be resorted to when there was a breakdown of constitutional machinery as distinguished from an ordinary breakdown of law and order (administrative machinery).
4. A State Assembly cannot be dissolved without Parliament approving the PR proclamation, and that a test of majority could only be conducted on the floor of the Assembly and not outside it.
5. An improperly dismissed government could be restored to office.

B.R. Ambedkar's reply in the Constituent Assembly to apprehensions about Article 356: "... I share the sentiments that such articles will never be called into operation and they would remain a dead letter. If at all they are brought into operation, I hope the President, who is endowed with these powers, will take proper precautions."



## EC tightens vigil to curb money power



1. **To curb of distribution of money:** increase the number of **flying squads** in the State and deploy probationary IPS officers and personnel from the central police forces in them.
2. **Expenditure Observers:** Income Tax officials should also be made part of the joint effort. The Commission should also work with the RBI and examine the inputs from them in matters of cash flows.
3. **Sensitising both voters and candidates** on the illegal practice of cash for votes and urging candidates to take a pledge.
4. **Paid news:** Any “undue publicity” given by TV channels to candidates would be taken up and a part of the expenditure was likely to be added to the candidate’s expenditure account.
5. **Security:** Adequate paramilitary troops would be deployed for area domination, route march, confidence-building measures and surveillance.
6. **Review and changes to electoral rolls**
7. **Paid views:** A new practice wherein bloggers are said to be paid for posting content supporting a political party.

## Surrogacy

There are two main types of surrogacy:

1. **Gestational surrogacy**, wherein the pregnancy results from the transfer of an embryo created by in vitro fertilization (IVF), in a manner so the resulting child is genetically unrelated to the surrogate. Gestational surrogates are also referred to as gestational carriers.
2. **Traditional surrogacy**, wherein the surrogate is impregnated naturally or artificially, but the resulting child is genetically related to the surrogate.

## Surrogacy, IVF or Oocyte Donations

Commercial surrogacy, of which Delhi is a known hub, was legalised in India in 2002 and now according to the Confederation of Indian Industry (CII), it is predicted to generate US\$ 2.3 billion annually.

1. **Childless couples yearning for kids:** There are 20 million infertile couples in India. It is a well-established fact that all over the world, between 10-15 per cent of couples in a population are infertile. This has resulted in hospitals and private clinics with offers for ART services mushrooming all over the country.
2. **Profit-making IVF clinics and ART centres:** The ICMR had identified nearly 1,200 ART centres across India. Only a small proportion of these are registered. However, it would be 5 to 6 times more in number. Doctors get well-paid, the agents involved are handsomely paid and the medical equipment industry has also spurred growth. The market potential is high as infertility in the population is high and the industry know that it will get a share. Fertility treatment is now patient-driven, doctor-driven and industry-driven.
3. **Illiteracy, poverty and unemployment along with education of the children of surrogate women:** A surrogate makes anywhere between Rs. 3-5 lakh per pregnancy, depending on the commissioning parents, while the total cost of “making a baby” is roughly Rs. 10 lakh.
4. **Medical technology available:** cheap medical facilities, advanced reproductive technological know-how
5. **Approach by agents:** The scale of ART services has increased over a decade creating a higher demand for surrogates.

6. **Legal and regulatory issues in foreign countries and cheap cost** has led to couples coming to India for getting surrogates child. What would have cost \$100,000 to \$150,000 in the US cost about \$50,000 in Anand, GJ, India.
  1. However, surrogacy forms only a small part of the overall fertility treatments. Not more than 5,000 babies have been born through surrogacy in India in the past decade.
  2. As per ICMR guidelines, doctors should keep away from the surrogacy chain and limit themselves to advising couples

### **Problems involved:**

Not having a fail-safe legal system to protect the rights of surrogate mothers, newborns and even the commissioning parents. Loosely drawn-up legal contracts for surrogate mothers become the first hurdle in protecting the rights of the women and the newborns. There should be a legal framework; the contracts should be exhaustive, covering aspects like how much money should be paid, what the provisions will be if the child born has a disability, should the identity of the commissioning parents be kept secret. There is a need for corresponding amendments to the Births and Deaths Registration Act, 1969 and The Citizenship Act, 1955. Also, there should be mechanisms to check the credentials of commissioning parents. Home study reports mandated under CARA guidelines in inter-country adoptions could well possibly be applicable in cross border surrogacy arrangements. The proposed legislation should prohibit simultaneous multiple forum shopping in different jurisdictions, expressly also prohibiting use of two surrogate mothers, whether in India or abroad leading to two surrogate children born at the same time. It should also address the issue of baby breeding rings and cartels, which are part of illegal cross border migration networks.

1. **National and Foreign Laws:** Some municipal corporations do not recognise surrogacy for issue of birth certificate. Hospitals often get requests for registering the name of the genetic mother, rather than the surrogate mother. However, in such cases, if the surrogate mother develops complications and dies on the table (surrogate deliveries are often caesareans, for fear of complications), the doctor would be in a fix as the death certificate cannot be issued for the surrogate. To circumvent such difficulties, couples are following legal adoption procedures after delivery.
2. **VISA and other related Problems:** NRI and non-Indian commissioning couples often encounter visa problems for their little ones, as many countries do not have any rule on surrogate children as yet. As per ICMR guidelines regarding surrogacy, foreigners who travel here for surrogate children should obtain a medical visa and register at the Foreigner Regional Registration Office. But the guidelines are not binding on the clinics.
3. **Designer Baby:** Recipient parents demand that the egg donors resemble their physical characteristics. People want Jain egg donors or Muslim surrogates. They are not willing to compromise on religion and caste factor. There have been incidents of biased sex-selection.
4. **Protection of Identity of The Women:** Despite the national guidelines directing the protection of identity of the women, their photographs and personal details are openly shared by the agents and the hospitals. The correspondent was shown medical files from reputable hospitals across the country having photographs of the surrogates in case files of the genetic parents.
5. **Rampant Fleecing:** there is rampant fleecing, especially if the surrogate mother is carrying twins. If the doctors charge double for twins, then the surrogate mother too should earn double. But she gets only Rs. 25,000 extra. She should get at least 50 per cent more.
6. **Health Check-Up of Surrogates:** Doctors don't see if the surrogate is capable of carrying twins. Many times, thin and underweight women carry twin pregnancies, and then deliver prematurely. The

babies die in the incubators 15-20 days after delivery. All this because the doctors didn't bother to follow the surrogate screening criteria.

7. **DANGER TO BABY:** Many clinics do not test the semen for its quality. Besides affecting the quality of the baby born, diseases can be transmitted this way too.

Since the surrogate mother and her family are given sufficient medical and psychological counselling, the risks are minimised. "The basic principle of insurance looks at ART as a voluntary act with commercial interest" and hence getting insurance cover is tough.

Role of Government:

- Despite commercialisation of the industry, government hospitals have not come forward with fertility services. The lack of dedicated specialists and fear of malpractice has deterred the government.
- A law to regulate the assisted reproductive technologies business in India is the need of the hour.
- The govt. should appoint a high-powered committee by the Indian Council for Medical Research (ICMR) comprising patient representatives, IVF specialists and NGO representatives along with consultations with various commissions — human rights and law - to issue guidelines for curbing malpractices in the field.

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