



Conquer Mains Challenge - Day 12

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GS 1 & 2

Issues related to women and Indian Society, Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Surrogacy:

Why in News?

In 2002, India had become the first country to legalize commercial surrogacy. By 2012 India had become the surrogacy capital of the world with surrogacy tourism valued at 400mn\$ annually (according to a UN 2012 report). India, now, is a hub for surrogacy.

What is surrogacy?

Surrogacy is an arrangement, often supported by a legal agreement, whereby a woman agrees to become pregnant, carry the pregnancy to due term, and give birth to a child or children, all the foregoing for and on behalf of another person or persons, who are or will ultimately become the parent(s) of the newborn child or children.

Who can avail surrogacy?

People may seek a surrogacy arrangement when pregnancy is medically impossible, when pregnancy risks present an unacceptable danger to the mother's health, or when a man alone or a male couple wishes to have a child.

Features of surrogacy:

In these arrangements, **monetary compensation may or may not be involved**. Receiving money for the arrangement is considered **commercial surrogacy**; receiving no compensation beyond reimbursement of reasonable expenses is altruistic.

How is it regulated across the world?

- The legality and cost of surrogacy varies widely between jurisdictions, sometimes resulting in problematic interstate or international surrogacy arrangements.
- Laws of some countries restrict and/or regulate surrogacy and its consequences. Those wanting to seek a surrogacy arrangement who however, live where it is banned may travel to a jurisdiction that permits it.

Debate over surrogacy in India:

Commercial surrogacy, largely an unregulated grey area, has been allowed in India since 2002. The Supreme Court (2008) called surrogacy **a medical procedure legal in several countries including India**.

The surrogacy debate started with **the Baby Manji Yamada case** in which the commissioning parents divorced during the pregnancy and the commissioning mother refused to accept the baby. The court finally granted custody to the baby's grandmother.

In 2008, another case, on the citizenship of surrogate babies, led the Gujarat High Court to state that there is "extreme urgency to push through legislation" which addresses issues that arise out of surrogacy.

Why India has become a hub for surrogacy?

In developed countries in general, **surrogacy is permitted only among relatives**. In India, because of financial reasons, there is an availability of those who are willing to be surrogates.

India also offers **low cost advanced medical facilities** which attract a lot of medical tourism in general and surrogacy in particular. There are no religious barriers against the concept of surrogacy.

There is **no law that deals with various aspects of surrogacy**. At present, it is governed by the Indian Contract Act. There are guidelines of ICMR which are not

enforced properly. The absence of regulations and guidelines has led to a thriving industry of reproduction clinics and surrogacy.

Need for a comprehensive legislation:

On a number of occasions, Indian adoption laws or some other country's citizenship laws create hurdles. For example, Germany recognizes citizenship by mother which creates issues in determining nationality of surrogate child.

Problem also arises if twins/triplets are born in place of a single child over the issue of custody of child. Therefore, a comprehensive law is required to deal with the issues associated.

Problems with Surrogacy in India:

- In past there has been death cases associated with surrogacy.
- There have been several litigations involving surrogacy such as the Baby Manji Yamada case, Baby Balaz case which has led to court interventions and directives. In Baby Manji Yamada case, a Japanese couple who availed of surrogacy in India, divorced while the surrogate mother was pregnant. They then refused to take ownership of child. Gujarat HC then stated extreme urgency to deal with such cases.
- On a number of occasions, Indian adoption laws or some other country's citizenship laws create hurdles. For example, Germany recognizes citizenship by mother which creates issues in determining nationality of surrogate child.
- Problem also arises if twins/triplets are born in place of a single child over the issue of custody of child.

The Surrogacy (Regulation) Bill, 2016: All you need to know:

The Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha on November 21, 2016 and is listed for passage this week. The Bill regulates altruistic surrogacy and prohibits commercial surrogacy. We present a brief overview of the Bill and some issues that may need to be considered:

How is surrogacy regulated under the Bill?

The Bill defines surrogacy as a practice where a woman gives birth to a child for an eligible couple and agrees to hand over the child after the birth to them. The Bill allows altruistic surrogacy which involves a surrogacy arrangement where the

monetary reward only involves medical expenses and insurance coverage for the surrogate mother. Commercial surrogacy is prohibited under the Bill. This type of surrogacy includes a monetary benefit or reward (in cash or kind) that exceeds basic medical expenses and insurance for the surrogate mother.

What is the eligibility criteria for couples intending to commission surrogacy?

In order to be eligible, the couple intending to commission a surrogacy arrangement must be a close relative of the surrogate mother. In addition, the couple has to prove that they fulfil all of the following conditions:

- They are Indian citizens who have been married for at least five years;
- They are in the age group of 23-50 years (female partner) and 26-55 years (male partner);
- A medical certificate stating that either or both partners are infertile;
- They do not have any surviving child (whether biological, adopted or surrogate), except if the surviving child is mentally or physically challenged or suffers from a fatal illness;
- A court order concerning the parentage and custody of the child to be born through surrogacy;
- Insurance coverage for the surrogate mother.
- Additional eligibility conditions that the intending couple need to meet may be specified by regulations. It could be argued that the qualifying conditions for surrogacy should be specified in the Bill and not be delegated to regulations.

Who is a close relative under the Bill?

The Bill does not define the term close relative.

Who is eligible to be a surrogate mother?

The surrogate mother, apart from proving that she is a close relative of the couple intending the surrogacy, also has to prove all the following conditions:

- She was or is married and has a child of her own;
- She is 25 to 35 years old;
- She has not been a surrogate mother before;
- She possesses a medical certificate of her fitness for surrogacy.

What will be the legal status of a surrogate child?

The Bill states that any child born out of a surrogacy procedure shall be the biological child of the intending couple and will be entitled to all rights and privileges that are available to a natural child.

What is the process for commissioning a surrogacy?

The intending couple and the surrogate mother can undergo a surrogacy procedure only at surrogacy clinics that are registered with the government. To initiate the procedure, the couple and the surrogate mother need to possess certificates to prove that they are eligible. These certificates will be granted by a government authority if the couple and the surrogate mother fulfill all the conditions mentioned above. The Bill does not specify a time period within which the authority needs to grant the certificates. Further, the Bill does not specify a review or appeal procedure in case the application for the certificates is rejected.

What is the penalty for engaging in commercial surrogacy under the Bill?

The Bill specifies that any person who takes the aid of a doctor or a surrogacy clinic in order to conduct commercial surrogacy will be punishable with imprisonment for a minimum term of five years and a fine that may extend to five lakh rupees.

Offences such as (i) undertaking or advertising commercial surrogacy; (ii) exploiting or abandoning the surrogate mother or child; and (iii) selling or importing human embryo or gametes for surrogacy will attract a minimum penalty of 10 years and a fine up to 10 lakh rupees.

Criticisms:

- ***The Bill raises questions over the reproductive rights of a woman.*** The right to life enshrines the right of reproductive autonomy, inclusive of the right to procreation and parenthood, which is not within the domain of the state, warranting interference of a fundamental right. It is for the person and not the state to decide modes of parenthood. It is the prerogative of person(s) to have children born naturally or by surrogacy in which the state, constitutionally, cannot interfere.
- Restricting limited, conditional surrogacy to married Indian couples and disqualifying other persons on the basis of nationality, marital status, sexual orientation or age does not appear to qualify the test of equality (**article 14**), or of being a reasonable classification, satisfying the objective sought to be achieved.
- ***The bill deprives single parents, homosexuals of availing the bliss of parenthood*** through surrogacy. Infertility cannot be compulsory to undertake

surrogacy. This violates the Freedom of choice available to citizens.

- Economically, the bill is bound to have affect on the thriving medical tourism in the country and people associated with it. There are certain countries, particularly European, surrogacy is banned for commercial reasons.
- The Bill leaves several questions unanswered such as ensuring protection of health of surrogate mother, maternity relief available to her etc.

The 228th report of the Law Commission of India (LCI) also had recommended for banning commercial surrogacy by enacting a suitable legislation. However, it had allowed ethical altruistic surrogacy to the needy Indian citizens.

What is still needed?

- Many countries including the UK that have experimented with altruistic surrogacy have realized that this only tends to push the whole transaction underground. A woman who bears a child for another one is actually performing a service and needs to be compensated for it.
- If altruistic surrogacy is enforced, the commissioning parents have to find some non-legal means to pay the woman who has spent a year or more of her life trying to ensure the birth of a healthy baby or babies.
- The Bill also leaves several questions unanswered such as ensuring protection of health of surrogate mother maternity relief available to her etc.
- There is definitely a need for regulation but the large-scale banning proposed in this bill is akin to trying to cap a volcano.
- The Bill raises questions over the reproductive rights of a woman. The right to life enshrines the right of reproductive autonomy, inclusive of the right to procreation and parenthood, which is not within the domain of the state, warranting interference of a fundamental right.

What reforms can be adopted?

- A surrogate mother should be adequately and reasonably compensated and the compensation should be commensurate with all the costs she bears. This should include expenses related to postdelivery care and child care support. Her kin should be compensated in case of her death during pregnancy or childbirth.
- The quantum of compensation should be fixed by a relevant authority, and not by the parties depending upon their respective bargaining power, in order to safeguard the interests of the surrogate and to protect her from exploitation.

Way ahead:

While there is a need for regulation, we cannot wish away the advances in medical science and the subsequent impact on surrogacy. We need to have a legislation which, while dealing with the problems associated with surrogacy does not interfere with the reproductive rights of a woman and freedom of choice available to an individual.

Flow of Thoughts:

- What is Surrogacy?
- Why is India famous for surrogacy?
- Need for a comprehensive legislation.
- Surrogacy Bill.
- Key provisions.
- Issues and analysis.

GS 3

Effects of liberalization on the economy, changes in industrial policy and their effects on industrial growth.

Manufacturing in India:

Importance of a strong manufacturing sector for any economy:

A well-developed manufacturing sector is needed ***to provide the basic needs of the population***. Similarly, to lead to an increasingly diversified economy and to give rise to social psychology and institutional changes manufacturing sector is a principal indicator of economic development of a nation.

The present status:

Identifying the need of a well-developed industrial sector, in 1951 India's Prime Minister Jawaharlal Nehru announced that India had to become industrialized as fast as possible. While the policy-makers did everything they could to improve the state of the manufacturing sector in India. However major policies including formulating

Soviet-like planning policies, to industrialize the country was not successful. India failed to become a manufacturing powerhouse.

Policies that changed the face of the Indian economy:

Post-1980 the key strategy for developing the manufacturing sector in India was to develop **large and heavy industries through central planning**.

The strategy also **included import substitution, price controls and restrictions on private sector** through severe licensing.

Also, the controls on the **foreign investment limited the growth of the manufacturing sector** in India.

Overall state of the manufacturing sector prior to 1991 reforms:

Rigid controls led to widespread **incompetence in resource utilization**, as reflected in the poor growth rate of the manufacturing sector. The despondent state of the manufacturing sector was further accentuated by **the Gulf oil crisis and agriculture supply shocks in the late 1970s'** together with political uncertainty which plagued the Indian economy throughout its development process.

The industrial growth before 1991 can be categorised into three main time periods which are:

PHASE	PERIOD	MAJOR INDUSTRIES
PHASE I	1950- 1965	Sugar, vegetable oils, cotton textiles, jute textiles, iron and steel smelting, chemicals, petroleum, non-metallic mineral products, basic metals, manufacturers of metal products and machinery
PHASE II	1965- 1980	Basic goods, capital goods, high technology industries, ferrous metal, construction material and mechanical engineering industries.
PHASE III	1980- 1991	Consumer durables, export-oriented industries, modern technology based industries, petroleum products, non-electric machinery, food and beverages, intermediate goods,

Industries that took birth from the liberalisation of 1991:

The key objective of the Industrial Policy Statement of 1991 was **to maintain the**

growth of productivity, provide employment and optimally utilize the human resources to achieve international competitiveness.

- The policy statement included the abolition of industrial controls except in some industries like the atomic energy, railways and defence. In 1991, 41% of FDI was allowed in certain selective industries. In the same year FDI policy was revised and up to 51% FDI was allowed through the automatic route in 35 high priority and technology-intensive industries. This was to immediately facilitate the inflow of capital from foreign companies.
- Furthermore in 1997, 100% foreign investment was allowed in some industries whereas investment ranging from 74% to 50% was allowed in 111 sectors of the economy.
- The process of reducing the protection for the small scale sector was also initiated by allowing foreign investment up to 24% in the small scale sector. The limit on the share of foreign direct investment in individual Micro, small and medium enterprises (MSMEs) was increased recently up to 100%.

Major manufacturing industries post 1991 can be identified as:

- The automotive industry.
- Computer hardware industry.
- Textile industry.
- Machine tools and parts industry.
- Pharmaceuticals industry.
- Light engineering industry.
- Iron and steel.
- Petroleum and refined product industry amongst the others.

Present challenges:

- ***Huge level of unemployment:*** The success of India's economic story has mainly been due to service's sector growth. Despite strong policy measures, the industrial sector (especially manufacturing) has stagnated. The maximum contribution of the sector in the overall GDP is close to 15%, which is far less than that of other emerging economies like China (whose share is close to 45%). As a result of which, India has failed to provide gainful employment to its massive labour force.
- ***Lack of employment in the manufacturing sector*** has put excessive pressure on the agriculture sector to provide employment, which is not possible under any economic model. The result of this is the phenomenon called "Jobless Growth", which is specific to India.
- ***Jobless growth:*** The share of Industrial Manufacturing in India's GDP is 14-15%, which is way below its actual potential. The program aims to increase this share

to 25%. India's economic performance is a story of "Jobless Growth". India has failed to generate jobs for his youth entering the labour force. The main reason for low job creation is that the manufacturing sector has failed to take off and still remains dismal.

- ***Middle income trap:*** If India failed to develop a competitive manufacturing sector now than it will be trapped in a "Middle Income Trap", where India will not be able to grow at a higher growth rate (India will remain a middle-income country with a deficient and uncompetitive economic system).
- ***The employment elasticity of the manufacturing sector is highest.*** Manufacturing is the only sector that has the potential to create jobs at a faster rate and absorb excess labour from agriculture. A weak manufacturing sector, therefore, is a curse for the economy.
- ***The service led growth as witnessed by India since 1991 reforms is not sustainable*** in the long run as the employment elasticity of the services sector is one of the lowest. People start consuming services on a large scale once they cross a certain minimum threshold of Income. In the absence of minimum threshold income, the demand for services will stagnate in the future and the phenomenon of the service led growth will be reversed.

Reforms necessary:

- Building skills among the large population of minimally educated workforce.
- Enacting laws that focus on improving workforce relations together with greater flexibility.
- Improving infrastructure including development of world class clusters.
- Reducing uncertainties and providing stability and predictability in regulatory, legal, environmental, taxation areas.
- Providing access to capital at competitive prices.
- Some initiatives have been taken in recent past, but they need focused implementation.

Right time to get benefited from exports:

- The global economy is witnessing a revival. The US, Europe, China, Japan and South-East Asian economies are exhibiting growth.
- The exports to these countries would help in improving capacity utilization and a restart of the investment cycle.

Some important measures for improving export figures:

- Banks should reassess working capital requirements for exports and meet them

- on a priority.
- Items for which merchandise export incentive scheme (MEIS) was not granted so far may be revisited.
- And attention may be focused on assistance to states for export-related infrastructure through assistance to states for development of export infrastructure.
- The inverted duty structure must be attended to and negotiations of items getting hit under current free trade agreements (FTAs) should be focused upon.

Measures specific to MSME:

- The MSMEs' financing has suffered. Structures within banks must be regrouped to create specialization at zonal or regional level for appraisal and grant of loans to this sector.
- Branches will then monitor only the performance of these loans.
- An increased use of ratings, credit insurance, and reasonable choice by creditor committees in the IBC proceedings for MSMEs are necessary.

National Manufacturing Policy:

The Government recognising this fact and in order to promote manufacturing sector launched National Manufacturing Policy on November 2011.

- The manufacturing policy proposes to create an enabling environment for the growth of manufacturing in India.
- The NMP envisages simplification of business regulations significantly.
- The NMP proposes the development of the MSMEs sector. The proposal includes technological upgradations of the MSMEs; adoption of business-friendly policies; equity investments.
- Skill Development of the youth is the most important part of the NMP.
- Setting up of National Investment and Manufacturing Zones(NIMZ) with significant incentives like easy land acquisitions, integrated industrial township development, world-class physical infrastructure.
- A total of 12 NMIZ have been announced so far by the government. Out of the total 12, 8 NIMZ are located in the Delhi-Mumbai Industrial Corridor. Other 4 NMIZ is planned to build in; Nagpur; Tumkur (Karnataka); Chittoor (Andhra Pradesh); Medak (Andhra Pradesh).

Make in India Program:

Make in India is a campaign launched by the government of India on 25 September 2015. The aim of the Make in India program is to project India as an efficient and

competitive powerhouse of global manufacturing. The program aims to convert India into “World’s Factory” by promoting and developing India as a leading manufacturing destination and a Hub for the production of manufacturing goods.

Way ahead:

No country in the World has become rich and developed without developing its Manufacturing sector. The story is true for Britain (Industrial Revolution), USA (In the 1900s), Japan (Since 1950s), East Asian Tigers (In 1970s), China (Since 1990s).

The key for India to sustain its service-led growth is to make sure that its manufacturing sector is well developed. A well-developed manufacturing sector will absorb low skilled labours from agriculture sector and employ the productively in factories. Similarly, the high skilled workers will be employed in the High-Tech End of Manufacturing like Electrical Engineering, Aerospace, Automobiles, Defence Manufacturing etc.

In conclusion:

In the 1990s', due to the opening up of the Indian economy, the manufacturing sector underwent painful restructuring. Some drastic measures included plant closures, sell-offs and relocation and unmatched lay-offs and retrenchments, some of which are yet to be properly recognised. In conclusion, however, it has improved production efficiency to face global competition, especially from China. Although research and development (R&D) investments have contracted as a proportion of the domestic output, the restructuring, and competitive pressure seems to have spurred innovation and product development.

Overall, the performance of 1991- reforms:

The external shock of 1991 set the stage for a fundamental mindset shift. The government no longer selectively removed restrictions and rules, though they were only selectively applied. The government also did away with licence raj, ended many public monopolies, and opened several sectors to automatic approval of foreign direct investment. It was an undeniable paradigm shift, and one that changed India dramatically.

The broad goals of this transformation were:

1. To increase the productivity of investment of Indian industries.
2. To improve the performance of the public sector in order to gain a competitive edge in a fast changing global economy.

3. To achieve greater social equity.

What has been the overall impact on the manufacturing sector?

Twenty-seven years hence, it is evident that the economic growth rates are transformed; not only was India's growth in this quarter-century substantially higher than in the past, it was also less volatile than in the high-growth period of the 1980s, when it was hovering at an average of around 6%.

- As a result, India has taken its place on the global economic stage—both as a key market for most multinational corporations and as a global provider of services.
- The reforms spurred a new age of entrepreneurship, making India the fourth largest country and one of the fastest growing computer and digital start-up hubs in the world.

However, not all goals have been met:

- Income inequality has grown, and the ratio between the top and the bottom wage-earners has doubled in 20 years.
- Conglomerates created during the license raj still dominate many sectors.
- India is No. 130 in the global Ease of Doing Business rankings.
- Also, industrial India is plagued by a lack of skilled, educated workers.
- Additionally, some sectors—such as broadcasting, telecom, retail, and information technology—have leapfrogged in their development cycle, while others such as agriculture, roadways, manufacturing and electricity have yet to change much.
- Structurally too, despite consensus at the central level—which has transcended governments led by different parties and coalitions—reforms have been deployed in fits and starts and not as a continuous process.
- The reform mindset has taken hold in states to different degrees, as evidenced by variable progress on state-level fiscal and social indicators (education and health).

Negative effects of these reforms:

On IT:

As part of 1991 economic reforms, the government reduced import duties on all IT hardware purportedly to facilitate software promotion and growth on a globally competitive basis using imported hardware.

- However, by 1994 our fledgling civilian IT hardware industry folded up. During those days, IT hardware far more technologically sophisticated than the

commercial hardware being imported by our software companies was being manufactured by Indian defence, atomic energy and space agencies and even exported to other developing countries such as Brazil, Malaysia, and Indonesia. But, the government failed to take note of this.

On fibre telecommunication systems:

The reforms also dealt a body blow to the indigenous optic fibre telecommunication systems industry, a project begun by the Department of Electronics (DoE) in 1986 with the setting up of the public sector utility, Optel. This was mainly because of the reduction in import duty on fibre from 40% to 10%. With this, large quantities of optic fibre began to be imported. This move affected the domestic industries very badly.

On electronic corporations:

In 1990-91, there were at least a dozen electronics corporations producing a range of high-tech radio communication equipment, industrial electronics and control and instrumentation equipment worth annually around Rs.6,000 crore.

- However, the reduction in customs duties from 60% to 30% overall, which led to a glut of imports, forced many of these corporations to halt production and become import agents, a phenomenon repeated in the key solar photovoltaic industry.
- Reforms also led to large-scale import of cell-phone handsets that could have been easily produced here had a policy of phased manufacture been adopted. As a result, the entire market for such handsets was met by unnecessary imports from Day One in 2005-06. In 2013-14 cell-phone imports totalled Rs.35,000 crore.
- Also, by 2000, foreign brands grabbed 80% of the television sets market, from a situation where 10 local companies catered almost fully to the demand. Six of the 10 indigenous television makers have folded up, with a ripple effect on the electronic components sector.

On heavy electrical equipment industry:

This industry was led by Bharat Heavy Electricals Limited (BHEL). Up until 1998-1999 this industry was doing very well. However from the next year onwards, four Chinese power plant equipment manufacturers began to seriously erode BHEL's market.

- This erosion was despite the quality and technical reliability of the Chinese equipment being considerably inferior to BHEL's products.
- Besides, the United States, home to General Electric and Westinghouse, had already imposed penal anti-dumping duties on Chinese power plant equipment.

Yet, the Indian government merely watched as BHEL lost 30 per cent market share by 2014.

Conclusion:

The above analysis indicates that, despite few positive gains, the reforms have largely led to deindustrialisation. Products that we were manufacturing in the 1990s are being imported now. The negative impact this deindustrialisation has had on employment and on our economy is gigantic. Therefore, the government must now act immediately to halt the destruction of domestic industry on such a massive scale.

Flow of Thoughts:

- What is the state of Indian manufacturing industry?
- Challenges and issues involved.
- Reforms by government.
- Economic reforms and impact across sectors.

GS 3

Conservation and pollution related issues.

Wetland conservation in India:

What are wetlands?

Wetland is ***transitional land between terrestrial and aquatic eco-systems*** where water table is usually at or near surface or it may be land covered by shallow water. It supports rich biodiversity and provides wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge etc.

It ***means an area of marsh, fen, peat land or water***; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes.

Identification of wetlands:

The **Ramsar Convention rules** are the loftiest form of wetland identification that the world follows. Ramsar has specific criteria for choosing a wetland as a Ramsar site, which distinguishes it as possessing 'international importance'.

An important distinguishing marker is ***that Ramsar wetlands should support significant populations of birds, fish, or other non-avian animals.***

- ***Ramsar convention*** provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.
- The Ramsar Convention on Wetlands was signed ***in Ramsar, Iran, in 1971.*** Ramsar is ***a city on the shores of Caspian sea.***
- It is ***an intergovernmental treaty*** which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.
- There are presently 158 Contracting Parties to the Convention, with 1758 wetland sites, totaling 161 million hectares, designated for inclusion in the Ramsar List of Wetlands of International Importance.
- Ramsar Convention is ***the only global environment treaty dealing with a particular ecosystem.***

Significance of wetlands:

Wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage.

Challenges to wetland ecosystems:

Many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands.

Constitutional and other statutory provisions:

- **Article 51A of the Constitution** stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.
- **The Environment (Protection) Act, 1986** is a comprehensive legislation to provide protection and improvement of the environment, including inter-alia, wetlands, and for matters connected therewith.
- **National Environment Policy, 2006** recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management.
- **India is a signatory to the Ramsar Convention** on Wetlands and is committed to conservation and wise use of all wetlands within its territory.

Highlights of Wetlands (Conservation and Management) Rules, 2017:

1. State Wetlands Authority (SWA):

It stipulates setting up of SWA in each State/UTs headed by State's environment minister and include range of government officials. State government will also nominate one expert each in fields of wetland ecology, hydrology, fisheries, landscape planning and socioeconomics.

2. Functions of SWA:

It will develop comprehensive list of activities to be regulated and permitted within notified wetlands and their zone of influence. It will also recommend additional prohibited activities for specific wetlands define strategies wise use of wetlands and its conservation and undertake measures to enhance awareness within stakeholders and local communities on values and functions of wetlands. In this case, wise use has been defined as principle of sustainable uses that is compatible with conservation.

3. Prohibited Activities:

The rules prohibit activities like conversion of wetland for non-wetland uses including encroachment of any kind, setting up and expansion of industries, waste dumping and discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements.

4. *Digital inventory of all wetlands:*

It is mandatory for state authorities to prepare list of all wetlands and list of wetlands to be notified within six months. Based on it, a comprehensive digital inventory of all wetlands will be created and will be updated every ten years.

5. *National Wetlands Committee (NWC):*

The rules stipulates for setting up of NWC, headed by MoEFCC Secretary, to monitor implementation of these rules and oversee work carried out by States.

NCW will also advise Central Government on appropriate policies and action programmes for conservation and wise use of wetlands, recommend designation of wetlands of international importance under Ramsar Convention, advise on collaboration with international agencies on issues related to wetlands etc.

Contentious clauses:

- It **does away with the Central Wetlands Regulatory Authority**, which had suo moto cognisance of wetlands and their protection.
- The rules contain **no ecological criteria for recognising wetlands**, such as biodiversity, reefs, mangroves, and wetland complexes.
- It has deleted **sections on the protection of wetlands, and interpretation of harmful activities which require regulation**, which found reference in the 2010 rules.
- It has also removed the **list of prohibited activities which was in the previous one** and has completely shifted the entire burden of wetlands protections from the Centre to the respective states.

What's left out?

- What comprises a wetland is an important question that the Rules leave unanswered. However, the 2010 rules outline criteria for wetland identification including genetic diversity, outstanding natural beauty, wildlife habitats, corals, coral reefs, mangroves, heritage areas, and so on.
- A detailed list of prohibited activities in the Wetlands (Conservation and Management) Rules 2010, like setting up of new industries and expansion of existing industries, solid waste dumping, manufacturing or handling or storage or disposal of hazardous substances, discharge of untreated waste and effluents from industries, cities, towns and other human settlements, any construction of permanent nature is left out.
- The rules have **no mention of how communities or people can ensure**

conservation of wetlands. They have no provisions for carrying out environment impact assessment (EIA) for projects on wetlands either.

- According to 2010 Rules, wetlands were to be notified within a year of the Rules coming into force, and there were deadlines for each process along the way. However, the new draft does away with the **time-bound process** for notification.
- There are also **no provisions for wetland complexes** in the new rules.

Other concerns associated:

- While the rules for sustainability, this is a difficult concept to enforce, particularly with regard to water.
- Regulation of activities in the rules do not make any obvious connection with existing groundwater legislations because these two aspects are still seen as separate.
- The Wetland Rules also call for wise use of wetlands. 'Wise use' is a concept used by the Ramsar Convention, and is open to interpretation. It could mean optimum use of resources for human purpose. It could mean not using a wetland so that we eventually strengthen future water security. It could also mean just leaving the wetland and its catchment area as is for flood control, carbon sequestration, and water recharge functions.

Conservation efforts by the government- National Wetland Conservation Programme (NWCP):

Government of India operationalized NWCP in close collaboration with concerned State Government during the year 1985-86. Under the programme, 115 wetlands have been identified till now by the Ministry which requires urgent conservation and management initiatives.

Aim: Conservation and wise use of wetlands in the country so as to prevent their further degradation

Objectives:

- To lay down policy guidelines for conservation and management of wetlands in the country.
- To undertake intensive conservation measures in priority wetlands.
- To monitor implementation of the programme.
- To prepare an inventory of Indian wetlands.

Funding pattern:

- Financial assistance under NWCP is provided for two components i.e. Management Action Plan (MAP) and Research Projects.
- Under the Scheme, **100% assistance** is provided for activities.
- Conservation and management of wetlands is primarily vested with the State/UTs, who are in physical possession of the area.

Management Action Plans (MAPs):

1. After identification of wetlands under the Scheme, the State/UTs are to submit long-term comprehensive Management Action Plans (MAPs) for a period of 3-5 years, preferably 5 years, coinciding with the Plan period.
2. The State Governments are advised to define objectives taking into consideration factors responsible for degradation of the wetland.
3. The MAP should also have short-term objectives to cater to immediate problems confronting wetlands and to go in for immediate rectification measures. The comprehensive MAP should be based on integrated and multi-disciplinary approach.
4. These are scrutinized and approved by the Central Government with certain necessary changes. After the approval of MAP, funds are released annually to the State/UTs as per Annual Plan of Operation (APOs) submitted to the Central Government.

Way ahead:

Understanding the historic spread and ecological character will be an important bulwark for the way forward. Setting clear governance systems would be the next. Without either, we are looking at a complete dilution of wetlands in the country.

Conclusion:

Wetlands are seriously threatened by reclamation and degradation as a result of drainage and landfills, pollution (domestic and industrial effluents, disposal of solid waste) resulting in loss of biodiversity and disruption of the wetland systems. Hence, it is imperative that the Draft Wetlands Rules, 2016 be looked at with a hard, if not cynical, eye.

Montreux Record:

It is a register of wetland sites on Ramsar List where changes in ecological character have occurred, are occurring, or are likely to occur as a result of technological developments, pollution or other human interference

It is maintained as part of the Ramsar List. It was determined that the Montreux Record should be employed to identify priority sites for positive national and international conservation attention.

Flow of Thoughts:

- What are Wetlands?
 - Threats to wetlands.
 - Need for conservation.
 - Wetland conservation rules.
 - Ramsar convention.
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