

Q<sub>1</sub>

What are the issues surrounding surrogacy? Does the recently passed surrogacy Bill address these concerns?

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Ans

Following the 228<sup>th</sup> report of law commission of India, government recently passed the surrogacy (prevention from exploitation) Bill 2019.

### Provisions of the Bill

1. As recommended by law commission it prohibits the all type of commercial surrogacy and allows only altruistic surrogacy.
2. It defines: only close relative can be the surrogate mother.
3. strict age limit for couple and the mother giving her womb.
4. stringent punishment for violating the law.

However the Bill has following short comings:-

1. It prohibits LGBT couples from surrogation.
2. It doesn't make any provisions for

for clinics involved in surrogation.

(3) doesn't take into account prevalent social stigma: - as couple would hesitate to tell their close relative about infertility.

(4) It will promote the overseas surrogacy

(5) strict Age limit: finding a close relative that too in the age range between 23 to 35 is too difficult.

### Way Ahead

- Need to address "Black Before Horse" issue by regulating private institution involved in commercial surrogacy.

- Banning is not a solution: people will find their way either through overseas surrogacy or Black surrogacy. The remedy lies in efficient ~~solution~~ regulation along with empowering mother giving her womb

- LGBT couple too have their feelings. They should be allowed.

- ~~Punishment~~ Punishment for couple refusing to take child after birth due to my reasons.

3. Currently CCI is seen as a hydra is doing business in India. CCI should work to change this mindset among business entities.

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