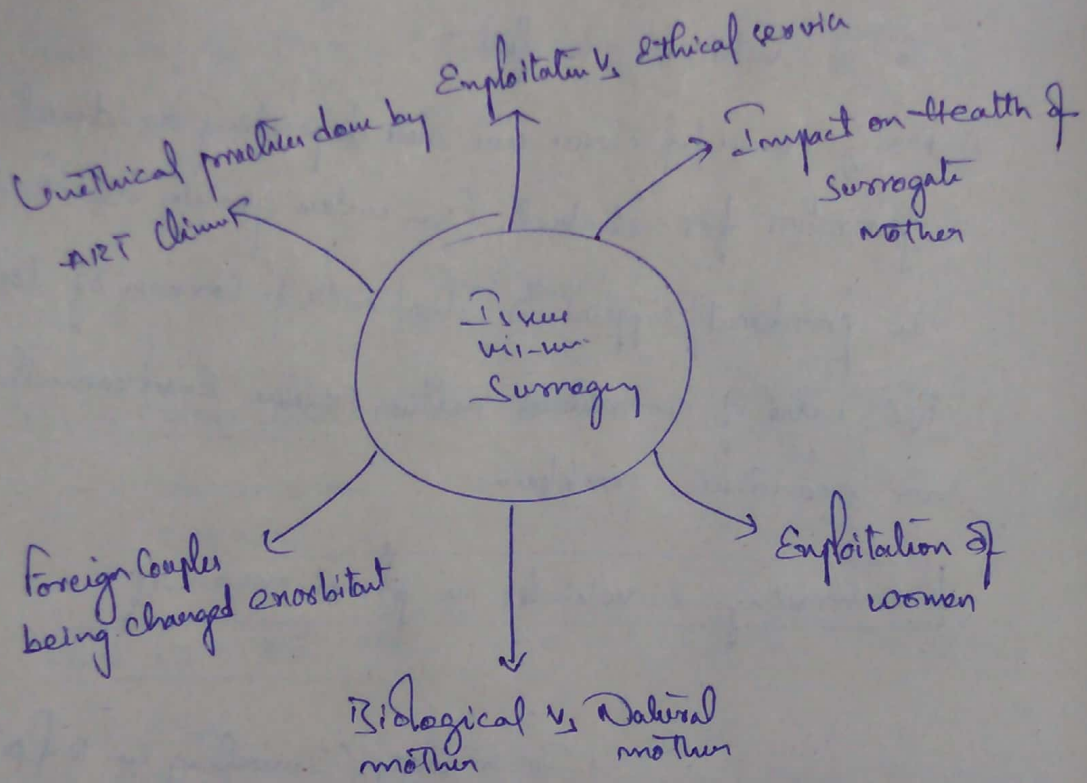


Q. What are the issues surrounding Surrogacy? Does the recently passed surrogacy Bill address these concerns?

Surrogacy refers to process wherein a woman lends her womb for a couple to conceive their baby. India became hub for surrogacy, market for baby generator via Medical Tourism.



PIL  
Jayshree v. State of Karnataka : S.C has reacted

sharply against malpractices/unethical practices that surfaced in PIL and ~~was~~ pulled up Govt to come up with some law w.r.t Surrogacy.

In this context Surrogacy Bill 2019 became important. This Bill has attracted mixed criticism from various sections because of its provisions.

## Surrogacy Bill addressing or aggregating issues?

1) Altruistic Surrogacy only

+ve

- Avoids Exploitation

-ve

Blow to the genuine couple

2) Needs Infertility Certificate

+ve

Only needy couple can  
adapt  
chance of misman judgement

-ve

Against Article 21 (Right to life and liberty)  
social stigma to get infertility  
certificate

3) Only closed relatives as Surrogate

+

Prevents malpractice

-ve

closed relative very vague  
Given patriarchal mindset, this may  
force women to forcibly go for  
surrogacy.

4) Money only for medical & insurance

+ No Exorbitant  
price/charge

-ve

Can't equate Altruism with money

5) Only Couple that too completely 5 years relation

+ve

Children will have both  
parent

-ve

Blow to single parent  
LGBT etc  
violate of Article 14  
NLSA vs UOI

Apart from these provisions, it provides surrogacy  
exclusively for Indian couples banning foreign couples  
which could dent Medical Tourism.

Though Govt's intention is good, but prescription  
may not be apt, as it could be flouted by middlemen,  
-ART (Assisted Reproductive Techniques)

Way forward: Instead of blanket Ban, Regulations can be  
win-win for the needy and Govt Safeguarding Surrogates.