

Solⁿ:

Surrogacy refers to a practice, where a woman gives birth to a child for an intending couple with the intention to hand over the child after the birth to the intending couple.

Candidates must not write on this margin

Issues related with Surrogacy in India:

(i) Malpractices:

A whole Surrogacy industry is working in India, as per various reports & survey pointing towards malpractices happening in absence of law.

(ii) lot of Middlemen acting as agent between Couple & Surrogate Mother

(iii) Abandoning of Surrogate Mother after giving birth, despite post birth complication.

(iv) Rejection of baby, if any disability or twin by couples.

Recently, a case came where Japanese couple after taking ~~surro~~ help of Surrogacy in India,

later divorced. In that case, what will be the status of baby.

Because of all such happening, government brought Surrogacy Bill 2019

Provisions of Surrogacy Bill

- (i) it bans Commercial Surrogacy, but allows only altruistic one.
- (ii) it put certain conditions on intending couples for eligibility. along with surrogate mother too.

One of those condition is surrogate mother should be close relative of intending couple, while couple should be married for at least 5 years and have proven infertility.

- (iii) it create certain institutional mechanisms to ensure the provisions of bill ~~enforced~~ and its conditions met by couple, surrogate mother and clinics

positives aspect of Bill

- By banning Commercial ~~issue~~ surrogacy,

the bill tries to address all the issues ~~effect~~ ~~cases~~-specified above affecting practice of Surrogacy in India.

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Shortcoming of Bill

- (i) Bill not focus on malpractices in In-Vitro fertilisation lab.
- (ii) Unmarried couple, LGBT couple, foreigners, like-in couple have no option for surrogacy now
- (iii) Close-relative is difficult to be find.
- (iv) Altruistic Surrogacy has been allowed in many west countries by banning Commercial one. But this has not yielded desired result. A whole ~~black~~ underground industry seen operating there.
- (v) even for many genuine surrogate mothers, it was a source of revenue for them.
- (vi) Might be in Contradictory to Right to privacy, which include Right to reproductive choice along Right to bodily integrity.

Conclusion

Other countries experience also suggest that instead of banning, it would be much better to regulate Commercial Surrogacy in India.

It would help preventing this surrogacy business getting underground.

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