

Surrogacy: Has India really adopted it?

Published on: June 22nd, 2020

(by ashmita kaur)

Surrogacy whenever comes to our mind, would remind of Big stars, celebrities, wealthy popular people.

But now no more. It's very well common among common people nowadays! It's not only Shah Rukh Khan, Shilpa Shetty, Aamir Khan, Ekta Kapoor, Karen Jonas, Tushar Kapoor but many childless couples opting for it.

Surrogacy is a blessing for many childless couples. Many IVF, gynecologists, reproductive units have been successfully producing healthy babies. Calling it indeed is a successful shot. Now, let's take a deeper analysis.

Surrogacy is an arrangement where a woman (the surrogate) offers to carry a baby through pregnancy for a couple, and then return the baby to the intended parent (s) once it is born. Broadly, surrogacy is of two types- traditional and gestational. Traditional Surrogacy involved insemination of the surrogate naturally, or artificially, with that semen of the male partner of childless couple. A child born this way is genetically related to the surrogate mother. This has several ethical, social and legal implications. In this case of gestational surrogacy, an embryo from the ovum and sperm of intended couple is fertilized in a test tube and transferred to the womb of the surrogate. A child born through gestational surrogacy has no genetic similarity to the surrogate mother.

Thankfully, advancements in medical science has proven wonders for childless couples. Research done by the WHO (World Health Organization) estimated that in 2010, 48.5 million couples worldwide were unable to have a child of their own. Benediction to sciences for those desiring to have their one.

While many couples benefited from surrogacy facilities in India, the practice has persisted without any legal framework, working only on the basis of vague guidelines. Under these circumstances, there have been many reported incidents of unethical practices surrounding surrogacy.

Here comes the highlight. Their practices include exploitation of surrogate mothers, abandonment of children born out of surrogacy, and the import of human embryos and gametes.

Sadly, what made me write this article was the point when I heard a relative of recently blessed surrogacy child. I heard them saying, “20 saal ke baad kahan se utha key laya hai bache?”

I was really pissed off that has Indian's changed their mentality? Or will that change ever? Whenever a couple is not able to conceive a child, the blame sheerly lies on a woman. Scientifically, we know who is responsible for the other chromosome! Right, Society still willingly accepts biological child whether a woman who has complexities in it and does facing labor pains.

It was in news in 2014, an Australian couple refused to accept one of their biological twins born via surrogacy because of the gender of the child. It's widely evident not only in India my dear friends!

Taking forward, there is a commercial setback as well. What forces another woman to carry the baby of the other couple through rigorous nine months? Reason is simple an earning bread for her family.

Moreover, they are paid hefty amount for keeping it mum as secret.

Sadly, the High Court said commercial surrogacy was held to be legal in India as there was no law prohibiting, womb-lending or surrogacy agreements.

Although, commercial surrogacy is legally allowed in countries like Russia, Ukraine and Thailand. In France, Germany, Spain, Sweden, Italy and Iceland, surrogacy is banned in all forms.

In the 228, the report presented in 2009, the Law commission of India recommended that surrogacy be regulated through a suitable legislation. The Law Commission recommended the only altruistic surrogacy be legalized and commercial surrogacy be totally banned. The surrogacy Bill, 2019 was passed by the Lok Sabha on August 5. The Rajya Sabha, in its meeting held on November 21, 2019, adopted a motion to refer the bill to a select committee. Here is where law comes into picture. The surrogacy Regulation Bill is an ethical, moral and social legislation as it protects the exploitation of the surrogate mother and protects the rights of the child born through surrogacy. It said to constitute a National Surrogacy Board and appointment of appropriate authorities for regulation of practice and process of surrogacy;

To begin with, the couple desiring surrogacy will have to provide compelling condition for wanting a child through surrogacy

They have to be Indians, but can also be non- resident Indians, persons of Indian origin or overseas, Citizen of India priority.

The surrogate needs to be married and have her child as some procedures of surrogacy may lead to infertility.

Single women can't opt to have a child through surrogacy, but exceptions have been made for widows and divorced women if they obtain a certificate of recommendations from The National Surrogacy Board.

An insurance coverage for 16 months I proposed for the surrogate mother to take care of all her medical needs in the case of emergency conditions / complication.

Surrogacy clinics can't undertake surrogacy related procedures unless they're registered with the appropriate authority.

The Bill tries to ensure that while childless couples get what they want nobody, including the surrogate mother and children born out of surrogacy suffer. Until then..... (Ashmita kaur)

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