

SURROGACY (REGULATION) BILL, 2019

Prelims: Governance - Policies

Mains: GS2 - Issues relating to development and management of Social Sector or Services relating to Health, Education, Human Resources.

Why in News?

- ✚ The Cabinet has approved the introduction of Surrogacy (Regulation) Bill, 2019 that aims to prohibit commercial surrogacy in India.

Highlights:

- ✚ The Bill proposes to regulate surrogacy in India by establishing a National Surrogacy Board at the central level and state surrogacy boards and appropriate authorities in the state and Union Territories.
- ✚ The purpose of the Bill is to ensure effective regulation of surrogacy, prohibit commercial surrogacy, and allow ethical surrogacy.
- ✚ While commercial surrogacy will be prohibited, including sale and purchase of human embryos and gametes, ethical surrogacy for needy couples will be allowed on fulfilment of stipulated conditions.
- ✚ It will also prevent exploitation of surrogate mothers and children born through surrogacy.
- ✚ There will not be any financial implications, except for the meetings of the National and State Surrogacy Boards and appropriate authorities, which will be met out of the administrative budgets of respective departments.

Concerns with Commercial Surrogacy:

- ✚ Procreation is not just about furthering the family lineage, but also about succession, tradition and legality.
- ✚ Having a child is about putting a biological system in place, not just caring for societal mores.
- ✚ There is therefore a need to define the legality and ethicality of the practice.
- ✚ Commercial surrogacy can lead to complaints of exploitation of women, especially those from the economically weaker section, because it would involve financial compensation, the adequacy of which can always be challenged.

- ✚ Pregnancy remains a biological phenomenon, with its attendant complications, necessitating proper medical care, the grossness of which could be open to challenge in case something goes wrong.
- ✚ Children born out of surrogacy can also face the problems of citizenship, abandonment and abuse, another aspect that needs to be taken care of.
- ✚ There is also the problem of jurisdiction because not all countries permit it. Couples wanting a surrogacy arrangement may travel to a country that permits it.

