The Surrogacy (Regulation) Bill, 2019

What is the issue?

- The Surrogacy (Regulation) Bill, 2019 was introduced with intent to facilitate altruistic surrogacy in the country.
- It stipulates that a surrogate mother has to be a ‘close relative’ of the intending couple.

What is the matter of concern?

- The government claims that regulating surrogacy will put an end to widespread commercialisation of the practice.
- But, it has left a lot of women from underprivileged backgrounds who lend their wombs worse off.

Will the bill have an impact on surrogacy in the country?

- For surrogacy to happen, embryos should be cultured in In-Vitro Fertilisation (IVF) laboratories.
- So, before discussing the surrogacy bill, there is a need to discuss the Assisted Reproductive Technology (ART) Bill first.

What are the problems in the bill?

- It did **not talk about NRIs** who are abroad, who may want to come back home to have a baby.
- It **leaves out** unmarried couples who want to have a baby through surrogacy, and gay couples, single men and single women who want to have a baby through IVF.
- It allows **only altruistic surrogacy**. This provision is very problematic as it has failed in many other countries.
- The surrogate mothers are doing an admirable job but they needn’t put their life on hold for it and they **can be paid** for it.

Will the bill manage to ensure a fair and just process?

- Sometimes, the surrogates were thoroughly **exploited** by the agents, the middlemen, etc.,

- There should be a **contract signed** between the surrogates and the commissioning parents.
- It should include details of the payment, insurance coverage, and give an assurance that the mothers will be treated properly.
- As it is a means of livelihood for the surrogates, they are mostly not very attached to the babies they are carrying.

Have all points of view been represented in the bill?

- The **public should have a say** about the bill through public debates all over the country.
- This may include couples with infertility problems; transgender people, single women, divorced women, and widows' views.
- A woman has the right to privacy when she makes her choice about reproduction. So, this has to be incorporated into the bill.

What needs to be done further?

- We need a law, but passing the Surrogacy Bill without looking at the whole process will be a disaster.
- The whole Bill should be drafted again with taking into consideration the **physical and emotional factors** at stake.
- Meanwhile, there are many people who don't know whether they can hire a surrogate or not. They should be made **aware**.
- There should be some solution given to people who have already hired surrogates.
- The government had banned surrogacy for foreigners, but some had already put their embryos in deep freeze here.
- They asked for the embryos to be returned but the government said there can be no export and import of embryos any more.
- We cannot put them in jeopardy at the last moment; they should be given enough consideration.

Source: The Hindu

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