

LAWS & BILLS RELATED TO THE SURROGACY IN INDIA BY DISCUSSING THE ETHICAL, MORAL, LEGAL ISSUES OF THE SURROGACY IN INDIA

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ABSTRACT

Because of different reasons, a huge segment of the society can't have their child. Exploration has expressed that one of every six couples have such issues. The nonappearance of a child is considered as a disgrace to the family. There are numerous cases where the failure to have a child prompted marital breakdown. The powerlessness to have a child which is known as barrenness in medical terms is a worldwide issue. As per the WHO Report the occurrence of barrenness over the globe including India is around 10-15 percent. Surrogacy has emerged as a new level of scientific advancement for reproduction with the use of womb of a woman to reproduce kids for one more woman. One of the more effective techniques to get over both social and biological infertility is actually surrogacy.' Surrogacy has provided opportunities to enjoy a genetically associated child to the couples that are not able to recreate via artificial reproduction and in vitro fertilization. The main aim of this study is to discuss the legal, moral and ethical issues of the surrogacy, discuss the bills of surrogacy and laws related to surrogacy in India. The Surrogacy (Regulation) bill, 2016 attempts to address the worries of two significant partners in the surrogacy business - surrogate mother and surrogate child - to forestall their abuse and to guarantee their rights.

1. INTRODUCTION

1.1 Introduction

The word mother brings bunches of ethical feelings of feeling and otherworldliness in our psyche. It is said that individual is the most predominant animal of this world and motherhood is the most brilliant endowment of the God to any woman. Just a mother can have this sublime feeling since she is the person who in a real sense offers life to the treated incipient organism in her belly for a very long time through her blood, the air she inhales, the

food she eats. This tedious excursion of a mother reaches a conclusion when she first takes the child in her lap and put a tender kiss on the front head.

Be that as it may, the cutting-edge advancement of medical science and innovation represents an incredible danger to the respect of a mother and her motherhood. The incongruity is that now medical science empowers women to give bellies to lease as 'surrogate mother' or "commercial surrogation". She can utilize her motherhood for money related benefit and to convey

another person's child. The term 'surrogate mother' or "commercial surrogation" decreases women's status to that of a lifeless thing, a hatchery, a container, leased property, 'a sort of incubation facility' or 'elective proliferation vehicle' who performs simply 'a fundamentally gestational function' by giving an 'endocrinological climate' in which to 'gestate an embryo'. Language which portrays the mother in these derogatory terms decreases and stigmatizes the wonder of life which she carries inside her body.

1.2 Surrogacy

Surrogacy is a strategy or arrangement whereby a woman consents to convey a pregnancy for someone else or people, who will end up being the new brought into the world child's parent(s) after birth. Proposed guardians may look for a surrogacy plan when either pregnancy is medically unthinkable, pregnancy chances present an inadmissible threat to the mother's wellbeing or is an equivalent sex couple's favored strategy for having children. Money related compensation might be engaged with these courses of action. On the off chance that the surrogate gets cash for the surrogacy the plan is viewed as commercial surrogacy, on the off chance that she gets no compensation past repayment of medical and other sensible costs it is alluded to as altruistic. The legality and costs of surrogacy differ generally between locales, at

times bringing about interstate or global surrogacy plans.

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The legality and expenses of surrogacy change broadly between jurisdictions, at times bringing about interstate or global surrogacy plans. There are laws in certain nations which limit and manage surrogacy and the outcomes of surrogacy. A few couples or people needing a child thusly yet who live in a jurisdiction which doesn't allow surrogacy in the situation in which they end up may go to another jurisdiction which licenses it.

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child thusly however who live in a jurisdiction which doesn't allow surrogacy in the condition in which they end up may venture out to another jurisdiction which grants it.

1.3 Types of Surrogacy

1.3.1 Selection of Surrogate Mother:

- **Altruistic surrogacy:** Where the surrogate mother gets no financial awards for her pregnancy or the surrender of the child to the genetic guardians aside from important medical costs. This normally happens when the surrogate mother is a family member.
- **Commercial surrogacy:** Where the surrogate mother is paid far beyond the fundamental medical costs. This typically happens when the surrogate mother isn't identified with the mother.

1.3.2 Embryos

- **Traditional Surrogacy:** In this technique, the surrogate mother carries the child for the full term and delivers it for the couple through artificial insemination. The surrogate mother is the organic mother of the child.
- **Gestational Surrogacy:** In this, the eggs of the mother are fertilized with father's/benefactor's sperm and

afterward the embryo is set into the uterus of the surrogate. For this situation the organic mother will be the one whose eggs are utilized and surrogate mother is known as the birth mother.

1.4 Benefits of surrogacy

It means to guarantee better health and life of the surrogate mother by;

- banning commercial surrogacy
- bringing in altruistic surrogacy model
- Allowing a woman to be a surrogate just a single time in the course of her life

The misuse of women would be forestalled particularly of the individuals who have no mindfulness about their rights. It would curb child trafficking and illegal surrogacy racket by; Prescribing the discipline and fine (10 years and upto 10 lakhs) for the endeavour of commercial surrogacy, relinquishment of child, sell or import of a human embryo. Restricting the egg donation.

It is the principal thorough enactment on surrogacy which has made an institutional component for the guideline of surrogacy at both central and state level. With the exacting arrangements in the bill for surrogacy, Adoption can be another choice to understand

the parenthood with which the bliss of a vagrant child and that of the couple can be guaranteed simultaneously.

1.5 Need of Surrogacy

Surrogacy has been common in Indian culture since days of yore. Fanciful surrogate mothers are notable. Kunti made Pandu a pleased dad of five children however he had no organic relations with them. Indeed, even Devaki could be considered as a surrogate mother of Lord Krishna, as she relinquished him on birth and Yashoda brought him up. It is one of the techniques for Assisted Reproduction. Assisted reproduction is the strategy (ART), wherein in the event that a couple faces any issue in imagining in regular way, at that point they are assisted through different techniques like manual semen injection, in-vitro preparation (egg and sperm are fertilized in test tube under counterfeit climate and the subsequent embryo is planted in the uterus/belly) iv and so on Surrogacy empowers:

- Those couples, who can't consider or convey a pregnancy to term, take the administrations of surrogate, who convey their child in the uterus and afterward hand it over to the hereditary parents, post-delivery; or
- Gay couples to have their own child by in-vitro fertilization (IVF); or

- People who would prefer not to wed yet wish to have their lawful heir.

It is even advantageous for surrogates as they are paid somewhere close to US\$3000-US\$6000, almost multiple times of their family's yearly pay. This comes out as fortune in a nation where the average per capita pay is US\$500.

2. MORAL, ETHICAL AND LEGAL ISSUES RELATED WITH SURROGACY

There are numerous moral, social, legal and psychological issues associated with business surrogacy. These issues have functioned as obstruction for the overall acknowledgment of its and thus business surrogacy isn't legal in the entirety of the nations. In Argentina just as United States, surrogacy demands are controlled by fair surrogacy boards of trustees. In lands as United Kingdom, Netherlands, Ireland, Denmark, Belgium, South Africa, Australia, Greece and Canada; simply altruistic surrogacy is really permitted. Business surrogacy is legally permitted in nations as Russian organization, Ukraine, and Thailand. While in France, Sweden, Spain, Germany, Iceland and Italy any sort of surrogacy isn't allowed for all. In India business surrogacy is really prohibited yet not illegal. This sort of disparities parents in law in countries that are extraordinary, legal limitations in local nation just as less expensive administrations abroad lead to

regenerative the travel industry. Childless couple of those countries where surrogacy is really unlawful habitually goes to different other state exactly where it's legal and get help of surrogate and return again with the own child of theirs after selection. These dispatching guardians for the most part go to non-industrial countries for that reason as the administrations are really less expensive over yonder. It provides ascend to a guidance known as the new born child processing plants and has an opportunity for abuse of surrogate by the go between for voracity of money. Now and again there's difficulty in giving over the children as in the event of baby Manji, as the laws in different spots are very extraordinary for appropriation and surrogacy and they're not at standard. In any case, there are laws that are different for legal parentage of child that will be that just as issues with voyaging reports just as citizenship. There's no worldwide show with these issues. At times these infertile guardians desert' the child that is against the ideal of a small kid and jeopardize the child resulting from surrogacy. Surrender of new-born child regularly prompts mental issue. There's a social disgrace joined with surrogacy just as infertility.

2.1 Moral and Ethical Issues Relating to Surrogacy

- Attachment with the Gestational Mother
- Harm to Surrogate Mother
- Interest of the Child

- Involvement with the Gestational Mother
- Surrogacy Degrades the Dignity of Woman
- Surrogacy has been compared to Exploitation of Poor Women
- Surrogacy has been equated with Prostitution
- Surrogacy is actually Playing the Role of God

2.2 Legal Issues Related to Surrogacy

- Access to Surrogacy
- Validity of Surrogate Contracts
- Child's Right to find out the Origin of his

3. LAWS RELATED TO SURROGACY IN INDIA

India is actually the sole state where surrogacy is actually neither banned or entirely regulated. Presently there's no law in India for regulating surrogacy. As it's not exclusively declared as unenforceable by law, it's deemed to be enforceable also completely legitimate. After a few yrs of debate and debate, mainly with the ICMR, the National Academy of Medical Sciences, and practitioners of ART, the Ministry of Health and Family Welfare printed the non-binding National Guidelines for Accreditation, Regulation and Supervision of ART Clinics in India in 2005. In the lack of any codified law as the scenario exists just, in respect of surrogacy arrangements, the regular civil law of the land will be appropriate in

respect of surrogacy, too, since there's no certain law about the subject to govern these kinds of arrangements. The Indian Council of Medical Studies have drafted the Assisted Reproductive Technology Bill, 2008 to regularize and genuine diverse kinds of reproductive technologies, which includes business surrogacy. The Law Commission of India in its 228th Report it's reasoned as to why surrogacy laws are actually necessary. The ART Bill though made an attempt to regulate surrogacy continues to be criticized by a lot of scholars on the soil that it encourages the interest of the medico business lobby and doesn't provide a sufficient safety to the rights of the surrogate mothers as well as kids.

The Draft Assisted Reproductive Technology Bill as well as Rules 2010, is actually the most recent draft of adhering to the incorporation of modifications and additions to the Draft of 2008. Even though the prior Draft was an attempt to include things like problems regarding Assisted Reproductive Technologies (ARTs), it'd a few limitations, and it was anticipated that the new Draft will deal with these spaces. The existing Draft with additions as well as modifications has attempted to take into account several of the issues with the prior document. While several of these're great changes, the Draft is the current form of it is much from being an inclusive paper. In the event the proposed legislation is anticipated to

successfully manage the proliferating ART as well as surrogacy market for India, these lacunae have to be resolved. New Indian Medical Visa Regulations, 2012 provides this merely duly married women & men with a subsisting matrimony for a minimum of two years will be permitted medical visas for surrogacy.

Commercial surrogacy is legal in India since 2002. First exertion to regularize this was done in 2005 when Indian Council for Medical Research (ICMR) gave first rules for accreditation, oversight and guideline of ART centers. In 2008 Supreme Court of India focused on the need of legislation to govern the surrogacy. At that point in 2009 Law Commission of India presented a report on requirement for legislation to control surrogacy and to explain issues identified with this. In 2010 ICMR overhauled the rules and proposed a legal understanding between appointing guardian, forthcoming surrogate and ART center prior to initiating the cycle. In 2015 service of wellbeing and family government assistance welcomed proposals to change the draft of ART bill which is as yet forthcoming. In 2015 Government of India disallowed commercial surrogacy and shut the entryways for unfamiliar nationals, NRI and POI. In 2016 association bureau affirmed the surrogacy guideline bill. This bill permits just Indian wedded heterosexual infertile couple to benefit surrogacy administrations. Presently

this bill has been passed from Lok Sabha and to be talked about in Rajya Sabha and before long will be executed as law.

4. THE SURROGACY (REGULATION) BILL, 2016; ISSUES AND PERSPECTIVES

On August 24, the Union bureau affirmed the Surrogacy (Regulation) Bill, 2016. The Surrogacy (Regulation) Bill, 2016 proposes to control surrogacy in India by allowing it as a possibility for couples who can't normally have children, have an absence of other assisted conceptive innovation alternatives, are quick to have a natural child, and can locate a surrogate mother among their relatives. Altruistic surrogacy, which implies a plan without move of assets as affectation, is as of now rehearsed in certain focuses in India, however most of surrogacy focuses use women who are paid for their administrations. The Surrogacy (Regulation) Bill, 2016 has a few minds who is a qualified contender for surrogacy, and furthermore has limitations on who can be a surrogate mother. The government, in this legislation, has additionally attempted to characterize a couple "need" for a surrogate child. Here are not many things we should think about the proposed bill:

- ✓ Ban on Commercial Surrogacy
- ✓ Foreigner Nationals can't get Indian surrogate mothers

- ✓ Payment to a surrogate mother
- ✓ Prohibition and guideline of surrogacy centers
- ✓ Prohibition of leading surrogacy
- ✓ Prohibition to abortion and abandon child brought into the world through surrogacy
- ✓ Regulation of surrogacy and surrogacy strategies
- ✓ Surrogacy administrative bodies
- ✓ Surrogacy will be permitted just a single time
- ✓ The child brought into the world through surrogacy will have all the rights of an organic child
- ✓ Written informed consent regarding surrogate mother

5. THE SURROGACY (REGULATION) BILL, 2016; WHETHER IT VIOLATES FUNDAMENTAL RIGHT

The bureau's choice doesn't give off an impression of being in consonance with established arrangements. Article 14 of the Constitution ensures "uniformity under the steady gaze of the law and equivalent security of laws to all people". Article 21 ensures "assurance of life and individual freedom, everything being equal". Limiting contingent surrogacy to wedded Indian couples and precluding others based on nationality, marital status, sexual orientation or age, doesn't seem to qualify the trial of correspondence and has

no association with the planned goals of the proposed legislation. Further, the right to life incorporates the right to reproductive autonomy — that incorporates the right to multiplication and parenthood.

It isn't for the state to choose the methods of parenthood. Intrinsicly, the state can't meddle in the right of a person(s) to have children, normally or through surrogacy. Infertility can't be a condition to attempt surrogacy. The proposed law should be placed in the public area before the nation's parliamentarians banter it.

Surrogacy has been vogue in the nation for over 10 years. The proposed bar in the Surrogacy (Regulation) Bill, 2016 on it violates the key rights of partners. Unfamiliar and single guardians who commission the services of surrogate mothers appreciate security under Articles 14 and 21 of the Constitution — balance under law and the right to life. Right to reproductive autonomy and parenthood, as a piece of right to life of a solitary or unfamiliar individual, can't be bypassed, particularly when the law as of now allows parenthood through intercountry receptions from India — by single people or unfamiliar couples. The draft bill bars medical professionals from offering their services in surrogacy systems (aside from altruistic surrogacy). It additionally denies surrogate mothers of their right to work

The government has supported the notwithstanding of outsiders to forestall the abuse of surrogacy. This could demonstrate counterproductive. The yardsticks governing domestic altruistic surrogacy will offer an open door for defilement and misuse, driving surrogacy into exploitative hands. It could cultivate an underground abusive trade surrogacy. Relatives will be produced and surrogates will be impregnated in India and moved to admissible jurisdictions. Given that the surrogate mothers will be Indian nationals, whose wellbeing will be in danger once surrogacy turns into an underground business, there is a dire need to establish a complete law that factors in the current cultural practices related with surrogacy. The issues relating to reception of Indian children by outsiders were settled by rules, which throughout the years have procured statutory status. A comparative methodology could be embraced to control surrogacy. There should be a fitting component to pass judgment on the reasonableness of surrogate guardians — residents or outsiders ought not make any difference. An office along the lines of the Central Adoption Resource Agency — that controls reception of Indian children by outsiders — could be made to direct surrogacy. A popularity-based law, which we have been sitting tight for, for as far back as 10 years, must control surrogacy in the nation.

6. SURROGACY BILL AND TRANSPARENCY IN ASSISTED REPRODUCTIVE TECHNOLOGY IN INDIA

ART (Assisted Reproduction today is a 30 billion industry in India with more than 3000 centers the nation over. Throughout the long term, Assisted Reproductive Technology (ART) has ended up being the aid for those denied of descendants. ART has filled dramatically over the most recent couple of years and is currently increasingly more accessible to infertile couples in both developed and developing nations. India is ready to be the pioneer in the realm of ART with fast developments in the quantity of ART focuses and the ART cycles performed yearly. The In Vitro Fertilization (IVF) is the most widely recognized type of ART (Assisted Reproductive Technology). IVF is the artificial method of offering parenthood that has carried grin to a large number of those neglecting to imagine normally. IVF measure includes fertilization by joining an egg and sperm in a research facility dish physically and afterward moving the embryo to the uterus. The ART has brought about a structural move in the manner physicians and everyone perceives infertility and ethics.

While a fruitful pregnancy and a solid child conceived are, obviously, the greatest focal points of undertaking an IVF method. In any case, a few legal and moral perspectives

usually present obstructions to its smooth execution. With infertility on the ascent because of inconsistent life style and late marriages, an ever-increasing number of couples are choosing ART or received infants. The sheltered achievement pace of ART is 40%. ART today is a 30 billion industry in India with more than 3000 centers the nation over. Infertility is the commonest Medical issue in 30-40 years old gathering of couples in India. The extension and proliferation of assisted reproductive advancements (ART) has been encouraged by financial globalization wherein reproductive tissues like sperm, ova, and uteri are exchanged like some other ware to make benefit, says another investigation, adding that India has arisen as the surrogacy redistributing capital of the world. In 2008, the Indian Council of Medical Research (ICMR) developed a draft for Assisted Reproductive Technology (Regulation) Bill and shipped off the Ministry of Health and Family Welfare, which was then been re-examined by the Ministry of Law and Justice as Assisted Reproductive Technology (Regulation) Bill-2013. A year ago, the Assisted Reproductive Technology (Regulation) Bill-2016 preceded the Cabinet for thought. The ART (Regulation) Bill proposed to set up National Board, State Boards and National Registry of (ART) in India for accreditation and management of ART facilities and ART Banks, guaranteeing that services gave by these are moral and that the medical, social

and legal rights of all the concerned are secured with most extreme advantage to all the partners inside a perceived structure of ethics and great medical practices. This came about into the Surrogacy (Regulation) Bill 2016 by the Health Ministry that proposed to legalize altruistic, homegrown surrogacy. The bill despite the fact that looks to control abuse of surrogate child and mother for unscrupulous purposes. Notwithstanding this the bill in assessment of numerous ART specialists neglects to address different issues including straightforwardness and reasonable practices.

One of the significant issues is of that of absence of screening rules of couples based their social economic background, criminal records in past, their wellbeing, age, and family data check before they are allowed to commission surrogacy. Without such screening rules the surrogate child's inclinations experiences significant danger being put under the guardianship of the individuals who need believability or even be hindering to the child's security. Despite the fact that the Bill restricts and punishes abandonment dismissal of the surrogate by couple post-birth. The bill characterizes "abandoned child" by characterizing grounds of abandonment as "actual mental imperfection or ailment, or being more than one in number" barring "sex of the child" among the equivalent. In this angle the Bill doesn't address the situation of such surrogate

child discovered non-hereditarily associated with both of the guardians' present birth due on disasters emerging out of exchanging or trading of donated solidified gametes of couples in centers or labs, sperm banks. The bill is indistinct if such a surrogate child is permitted to be abandoned or dismissed or left in reception home or orphanage.

Among the greatest misses of the bill depends on sex specific surrogacy or family adjusting surrogacy to have child of a foreordained sex, in which the previous ART Bill restricted punished the equivalent by adding significant arrangements of Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 in ART, Surrogacy. Among different offenses and disciplines, the Bill doesn't discuss are "trafficking or deal, kidnapping of surrogate child" in pre-tense of either altruistic or commercial surrogacy game plan in any structure under the equivalent.

Apart from the previously mentioned angles there are different viewpoints comparable to the rights of the surrogate mother and the child the Bill needs lucidity and straightforwardness needed to secure these rights adequately in the event of legal issues emerge. This it is basic that before the bill is sanctioned these angles are resolved for it to be viably direct the ART cycle in the nation

6.1 Proposed Draft ART (Regulation) Bill

After the introduction of the principal deductively all-around documented test tube baby in 1986 in India¹⁸, there was mushrooming of IVF clinics in the nation. The services offered by a portion of these IVF clinics were questionable. The explanation behind this was an absence of ART rules just as legislation on ART in the nation, no accreditation, supervisory and regulatory body and no control of Government. Hence, the Indian Council of Medical Research (ICMR) developed draft National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India in 2002¹⁹. The draft archive was then exposed to broad public discussion all through the nation (in seven urban communities; New Delhi, Jodhpur, Mumbai, Bangalore, Chennai, Hyderabad and Kolkata) where in excess of 4,000 individuals participated. To get the assessment of the individuals on the different issues where the

agreement of the apparent multitude of individuals from the Committee couldn't be set up, an endorsed proforma was planned and given to the participants (85% overall population, 13% Indian doctors and 2% international doctors).

In view of the assessment of this review (Table), remarks and proposals got from the different partners including National Commission for Women and National Human Right Commission, the National Guidelines were finished and after the approval of the Drafting Committee the modified record was submitted to the Ministry of Health and Family Welfare, Government of India. The Ministry of Health and Family Welfare analysed these rules and after slight alterations distributed the National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India as National Guidelines of Government of India in 2005.

Table 1: People’s view on various problems during the public debates

Sl. no.	Issues	Opinion of the people (%)					
		Doctor			General public		
		Yes	No	No opinion	Yes	No	No opinion
1	Whether surrogacy should be allowed in the Country?	96	2	2	92	3	5
2	Whether commercial surrogacy should be allowed in the Country?	80	15	5	72	24	4
3	Whether relatives/friends should be allowed to act as a surrogate mother?	45	52	3	14	83	3
4	Whether the identity of the donor should be known to the infertile couple?	37	58	5	7	89	4
5	Whether relatives/friends should be allowed for gamete donation?	44	54	2	8	91	1
6	Whether you are satisfied or agreed with the points mentioned under the heading “How may sperm and oocytes donors be sourced?”	54	42	4	81	15	4

On acquiring the input from various States of the nation it was seen that these National Guidelines were not being followed appropriately in the nation. Along these lines, the Indian Council of Medical Research developed draft Assisted Reproductive Technology (Regulation) Bill in 2008 with the assistance of a Drafting Committee of ICMR. The draft Assisted Reproductive Technology (Regulation) Bill-2008 was again exposed to broad public discussion all through the nation as well as worldwide by putting the draft Bill on the sites of the Ministry of Health and Family Welfare, Government of India and of the ICMR. In view of the remarks got from different partners including the remarks from different nations and according to the suggestions of the Drafting Committee, the draft Assisted Reproductive Technology (Regulation) Bill was amended and settled. The settled variant of draft Assisted

Reproductive Technology (Regulation) Bill-201016 was shipped off the Ministry of Health and Family Welfare, and has now been overhauled by the Ministry of Law and Justice as Assisted Reproductive Technology (Regulation) Bill - 2013. The Assisted Reproductive Technology (Regulation) Bill-2014 has now become a part of the Cabinet Note.

7. CONCLUSION

The legal viewpoint on surrogacy must be basically hued by moral and moral hints on which the public policy contemplations are grounded. Since the courts need to battle with such issue, it is critical to depict the major moral issues included.

There is a solid need to change and make the appropriation strategy straightforward for all. This will cut down the paces of surrogacy.

Altruistic and not commercial surrogacy ought to be advanced. Laws ought to be outlined and executed to cover the ill-defined situations and to secure the rights of women and children. While infertility is a developing issue in India, there are various methods of making a family. Selection is an underutilized alternative that can offer bliss to a childless couple as well as give a home and a future for a vagrant child. While the Bill will currently be set before Parliament and the subtleties discussed, the essential fundamental of denying commercial surrogacy is at its heart, and will remain.

The Surrogacy (Regulation) bill, 2016 attempts to address the worries of two significant partners in the surrogacy business - surrogate mother and surrogate child - to forestall their abuse and to guarantee their rights. The focal point of the bill ought to have been twin – a) ensuring the rights of the child and b) regarding the agreement between the mother and commissioning guardians. Be that as it may, by totally forbidding commercial surrogacy, the bill has given lopsided spotlight on the surrogate mother. Surrogacy industry in India is completely developed today.

The draft Assisted Reproductive Technology (Regulation) Bill proposes to build up National Board, State Boards and National Registry of Assisted Reproductive Technology (ART) in India for accreditation and oversight of ART clinics and ART Banks, guaranteeing that services gave by these are moral and that the

medical, social and legal rights of every one of those concerned including surrogate mother are secured with greatest advantage to all the partners inside a perceived structure of ethics and great medical practices.

8. SUGGESTIONS

- Personal laws governing the surrogate child's right should be correct.
- Paramount thought should be given to the welfare of the child
- Commercial surrogacy ought not be legalized completely, simply right to appreciate parenthood ought to be there.
- The Artificial Reproductive Technology clinics and practice ought to be managed by the best possible legislations.
- Most significantly, the rights and commitments of the organic guardians, surrogate mother ought to be dictated by the rule not by the agreement. Such a socially touchy issue ought not be directed by authoritative relations.
- There is have to re draft the ART Bill in consistence with public strategy.

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