



1. The Surrogacy (Regulation) Bill 2019, which proposes to ban commercial surrogacy, was passed by Lok Sabha

- What is commercial surrogacy?
- Who can be a surrogate mother?
- When is surrogacy permitted?
- According to the bill, who can be guilty of commercial surrogacy?

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In this video, you can find detailed answers for all the above questions.

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What is the context about?



The Surrogacy (Regulation) Bill 2019, which proposes to ban commercial surrogacy, was passed by Lok Sabha.



The Bill, introduced by Union Health Minister Harsh Vardhan, seeks to ban commercial surrogacy and provides for constituting a National Surrogacy Board, State Surrogacy Boards, and the appointment of appropriate authorities for the regulation of the practice and process of surrogacy.



What is commercial surrogacy?



Surrogacy is defined as the practice in which a woman gives birth to a child for a couple, referred to as an “intending couple”, with the intention to hand over the child to that couple.



An ‘intending couple’ are a couple who have medically been proved as infertile. Ordinarily, in surrogacy, eggs are extracted from the intending mother and after fertilisation, are implanted in the surrogate mother’s uterus.



Surrogacy can be either altruistic or commercial. In the former, no monetary considerations are involved, except medical expenses and insurance. In the case of commercial surrogacy, the woman who gives birth to a child for the intending couple is rewarded for it in cash or kind.



Who can be a surrogate mother?



Chapter I of the Bill defines a surrogate mother as, “a woman bearing a child (who is genetically related to the intending couple) through surrogacy from the implantation of the embryo in her womb...”.



A married woman between the ages of 25 and 35 who has a child of her own can be a surrogate or can help in surrogacy by donating her egg.



The surrogate mother needs to be a close relative of the intending couple and can become a surrogate only once in her lifetime. Additionally, a woman cannot become a surrogate mother by providing her own gametes (unfertilised eggs).



When is surrogacy permitted?



As per the Bill, only altruistic surrogacy will be permitted in India, in cases where either or both members of the couple suffer from infertility, of which the certificate of essentiality is proof.



Additionally, a certificate of eligibility is issued to the intending couple and is proof that the couple has been married for at least five years, and are Indian citizens. The wife must be in the age group of 23-50, and the husband in the age group of 26-55.



The intending couple should not have any surviving biological child, through adoption or through surrogacy.



According to the bill, who can be guilty of commercial surrogacy?



According to the Bill, if an individual is found advertising or undertaking surrogacy, exploiting the surrogate mother, selling, importing, purchasing or trading human embryos or gametes for surrogacy, conducting sex selection for surrogacy, or has abandoned, exploited or disowned a surrogate child, he/she can be liable for imprisonment of up to 10 years and a fine of up to Rs 10 lakh.