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Media Report (Surrogacy Bill Regulation)
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Surrogacy Regulation Bill: Cause For Congratulation Or Concern?

December 26, 2018/bloombergquint

The passing of the Surrogacy (Regulation) Bill, 2016 by the Lok Sabha on Dec. 19, 2018, has been heralded by the government as a success, and indeed why should the stamping out of this apparently pernicious and exploitative trade not be cause for celebration? The tabloid press in India, the United Kingdom, and the United States has, after all, long peddled sensationalist stories that invite us to believe that commercial surrogacy is always and necessarily exploitative; that altruistic surrogacy is not; and that those who commission surrogacy do so as they are either too wealthy, self-interested or body conscious to bother producing their own children. To see such broad and inaccurate assertions go unchallenged is certainly troubling but never more so than when they come to inform vital, much-needed legislation on assisted reproduction.

Dear Lok Sabha, Stop Criminalising Our Bodies and Lives

December 26, 2018/Feminisminindia.com

Last week, it felt like the Lok Sabha was on a spree of passing dangerous bills. Three Bills in particular – namely The Transgender Persons (Protection of Rights) Bill, 2018, The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018, and The Surrogacy (Regulation) Bill, 2018 – have been so poorly drafted that all of them further marginalise the very people they were supposed to safeguard. The provisions in all three bills display a complete lack of comprehension of the lived realities of the people for whom they are meant – transgender persons, sex workers, bonded labourers, contract workers, domestic workers, migrant workers, and surrogates. The trans and queer communities that are affected directly or indirectly by all the three bills have raised their voices against the first two bills along with sex workers' groups and other like-minded people working with a rational approach to addressing the issue of trafficking. As LABIA – A Queer Feminist LBT Collective, we are part of these protest voices across the country. We also equally and vehemently oppose the Surrogacy Bill and ask that the Rajya Sabha send each of these Bills to a select committee.

Parliament to resume on Thursday, LS likely to discuss Triple Talaq Bill among others

December 26, 2018/National Herald

The Triple Talaq Bill, which is high on the government's agenda, is likely to be taken up for discussion in the Lok Sabha as the winter session of Parliament resumes on Thursday, December 27, after the Christmas recess. The first two weeks of the session were a near washout as the Opposition had disrupted the proceedings on various issues, including the Rafale deal. The BJP and the Congress have issued whips to their members in the Lok Sabha asking them to be present during the discussion. The government and the opposition last week reached an understanding to discuss The Muslim Women (Protection of Rights on Marriage) Bill, 2018, that seeks to replace an ordinance issued earlier for protecting the rights of married Muslim women and prohibiting divorce by

pronouncing "talaq" by their husbands. The ordinance was promulgated in September, making the practice of instant triple talaq an offence under the Indian Penal Code (IPC).



How 3 bills violate the rights of the very people they seek to empower

December 27, 2018/the Print

Why are activists calling for three bills pending before the Rajya Sabha to be sent to a Select Committee? The three bills are the Transgender Persons (Protection of Rights) Bill, 2018, the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018, and the Surrogacy (Regulation) Bill, 2018. And all three violate the rights of the very people they seek to empower.

Here's a closer look at the bills and what impact they will have if passed.

The Transgender Persons (Protection of Rights) Bill, 2018

What the bill says	Impact
Its definition of 'transgender' is incomplete, it subsumes the intersex identity into the trans identity	Onus will be on the individual to prove that they fall within the ambit of the law. A distinction between transgender, intersex, and gender non-conforming people is necessary to cater to their individual needs.
A District Screening Committee will decide whether a person is transgender, and based on this will allow them to change their documents only to say that they are transgender. If a person identifies as a man or a woman, they will have to go through medical procedures and get a medical certificate in order for this to be officially acknowledged.	The presence of the committee is a human rights violation, as gender identity is inherent and cannot be certified externally. Not all transgender people want to claim the legal or gender identity of transgender, and this will force people into getting surgery they do not want or cannot afford in order for their documents to reflect their identity.

Blanket ban on commercial surrogacy eliminates aspect of privacy; unfair to couples who marry late, homosexuals

December 27, 2018/First Post

"We were married for 18 years, but we remained childless. My wife conceived multiple times but she was not able to hold the baby in her weak womb. However, we were blessed with twins once, but they were born premature and unfortunately, survived only for six months. All our hopes were lost. We opted for surrogacy and our baby girl arrived 17 months ago. She looks just like me. Money couldn't have bought us this happiness," said a Bengaluru-based businessman who wished to keep his identity anonymous. Another working mother from Chennai who opted for commercial surrogacy revealed that she developed a bond with the surrogate

mother who carried her twins, including taking full responsibility of her health during and after the pregnancy. “I tried IVF more than five times and spent a ton of money but nothing worked out for me. We then decided to ‘hire’ a surrogacy lawyer who helped us through the process,” she said. As of now, surrogacies involve a contract and the clauses are legally binding. “The surrogate mother who carried our twins was already a mother of two.



From Ayushman Bharat to Surrogacy (Regulation) Bill: How India’s healthcare fared in 2018

December 28, 2018/dbpost

2018 is nearing its end, we look forward to a fresh beginning hoping for betterment in every field. Looking back at the year, one cannot help but acknowledge some of the major achievements in the healthcare spectrum which experts feel will make a difference in the near future. With the government sparing just 1.3% of the GDP for public healthcare, less than the global average of 6%, there remains a severe scarcity of doctors in the country and people continue to incur heavy medical expenditure across rural and urban hospitals. It is shocking to know that one allopathic government doctor in India, on an average, attends to a population of 11,082, which is 10 times more than the WHO recommended a doctor-population ratio of 1:1,000, according to National Health Profile 2018 — an annual report released recently by the Central Bureau of Health Intelligence (CBHI)

Pradhan Mantri Jan Arogya Yojana

Experts say as many as 90% of people in India go to government-run hospitals, where care is free but far less sophisticated. Furthermore, India’s infant mortality rate is almost seven times that of the US, and more than four times that of China. Less than 5% of Indians who suffer from heart problems actually get diagnosed and treated. In an attempt to better the situation, in September, Prime Minister Narendra Modi launched the world’s most extensive state-funded healthcare programme – Pradhan Mantri Jan Arogya Yojana or Ayushman Bharat Yojana – which is expected to benefit 50 crore Indians. Dr Dharminder Nagar, MD, Paras Healthcare feels that the historic scheme will strengthen primary care.

Close Relatives and Surrogacy

December 28, 2018/the Sentinel

Recently, surrogacy has been getting importance. The reason behind it is THE SURROGACY (REGULATION) BILL, 2016 which was passed in Lok Sabha on 19 December 2018. This bill has banned commercial surrogacy in India and allows only altruistic surrogacy with a close relative. Commercial surrogacy was made legal in India in 2002. This made India a surrogacy capital since 2002. But most of the victims of surrogacy were the poor women. There are also various other issues related to various foreign couples who hire a surrogate mother in India. The example of the Japanese couple is one among them. A Japanese couple hires a surrogate mother in India but in between the process, the couple got divorced and each of them was unwilling to accept the child. Besides these, there is a continuous issue of exploitation of poor women which makes Indian Legal Commission to think about the surrogacy again. That is why as a modification the

new surrogacy bill titled THE SURROGACY (REGULATION) BILL, was proposed in 2016 and recently it was passed by the Lok Sabha. Now surrogacy in India is only allowed for an Indian couple.



Government shouldn't be in haste to implement surrogacy laws

December 29, 2018/Sunday guardian Live

The Surrogacy (Regulation) Bill, 2016 passed in Lok Sabha has been a debatable development, given the stringent provisions of the Bill. While the intention of the legislation is to regularise assistive reproductive technologies in order to give hope to hopeless couples, it also seeks to be visibly compliant with the established norms and ethos of the Indian society, notable among them being Section 7 of the Bill which prescribes protection for the surrogate child from abandonment. The fact that Dr Subhash Mukhopadhyay had to commit suicide because he created “Durga”, India’s first test tube baby in 1978, for which he faced massive social harassment, tells us of the kind of social stigma attached to assistive reproductive technologies. The said “Durga” is now Kanupriya Agarwal who has given birth to a baby daughter who should be five-year-old now. In light of these glaring realities, it is important that the Bill had prescribed a wider ambit to prevent it from being draconian and prima facie unconstitutional in nature.

Board to regulate surrogacy in Telangana

December 31, 2018/Telangana Today

The health authorities here are likely to set-up a body to oversee surrogacy, much on the lines of the existing centralised organ donation programme in the State. With the Surrogacy (Regulation) Bill, 2016 passed in Lok Sabha, it is expected that in the coming months, the State will have its own Surrogacy Board along with State Appropriate Authorities. Following a series of raids on IVF clinics during July last year, the State government had formed a high-level committee to study surrogacy and come-up with recommendations on its regulation. The last meeting of the high-level committee, which comprised senior health officials from different departments, was on December 3 and a final report has been submitted. According to officials familiar with the issue, the high-level committee had recommended that instead of banning surrogacy, it would be a better option to streamline the entire process and have a regulatory body. Once the Surrogacy (Regulation) Bill, 2016 passes both the houses and gets clearance from President to become a law, a National Surrogacy Board will be constituted at the Centre, while the States will constitute State Surrogacy Boards and State Appropriate Authorities within three months of notification, officials here said.

Surrogacy Bill: Renting a womb is not like renting a bike!

December 31, 2018/the Asian Age

Last week, the Lok Sabha passed the Surrogacy (Regulation) Bill which marks a significant step in checking against the practice of “renting a womb,” also known as commercial surrogacy. The bill seeks to ban commercial surrogacy while legalising altruistic surrogacy in which a surrogate mother is a “close relative” of

the intended couples so that no monetary compensation is paid. The need for a legal framework for regulating surrogacy has been widely recognised. But the provisions of the bill have not gone down well with certain sections of society. Specifically, the ban on commercial surrogacy is criticised by those adversely affected: intending single parents and couples who are excluded from the definition of eligible couples, doctors and medical establishments peddling solutions, the associated pharma industry, legal professionals, and some elected representatives speaking on behalf of the affected parties. They are also joined by “libertarians” who believe in individual freedom and free market and expect minimal government interference.

Chandigarh doctors pick holes in Surrogacy Bill

January 2, 2019/The Times of India

The Surrogacy(Regulation) Bill 2016, passed in the Lok Sabha last month, has caught the attention of city-based gynecologists and other field experts who have pointed out various shortcomings in the same. It is believed that in the absence of any compensation, no one will come forward to lend a womb and this would ultimately reduce the chances of finding a surrogate.



REGULATIONS

- Lok Sabha passed the Surrogacy (Regulation) Bill 2016, aimed at banning commercial surrogacy to protect women from exploitation
- The House also proposed to allow only altruistic surrogacy by infertile Indian couples from a “close relative” only
- Singles, homosexuals and live-in couples cannot apply for surrogacy

Can the Surrogacy Bill find the right balance?

January 2, 2019/Express Healthcare

Stung by criticism that India has become a ‘womb-for-hire’ hub, policy makers are seeking to tighten the laws governing surrogacy. The Surrogacy (Regulation) Bill, 2018, a revamped version of the 2016 bill, cleared the first hurdle on December 19 with a nod from the Lok Sabha. It now needs to be green-lighted by the Rajya Sabha followed by the President of India, to be notified as an Act. Media reports have highlighted how surrogate mothers are most often from the economically disadvantaged sections of society. Barely literate and mostly from tier 2/3 towns, most see surrogacy as a way to secure the future of their children and family. But do they understand the health risks of multiple surrogacies? Are they adequately protected both on the legal and medical fronts? Are they inadvertently part of the child trafficking business? And what are the rights of the unborn child, should the

intended parents divorce before the child is born? Given this context, the amendments seek to ban 'commercial' surrogacy by putting in place conditions in favour of 'altruistic' motives. The clause to restrict surrogacy to close relatives and one surrogacy per lifetime are a step in the right direction. Moreover, the couple has to be childless, Indian (ruling out foreign nationals), married for five years and heterosexuals.

Regulate surrogacy by all means, but in the right manner

January 4, 2019/the Hindu business line

Sensationalists like to believe that commercial surrogacy is always, and necessarily, exploitative; that altruistic surrogacy is not; and that those who commission surrogacy do so as they are either too wealthy, self-interested or body-conscious to bother producing their own children. But the fact is, there is an unprecedented demand for Assisted Reproductive Technology around the globe for reasons including the increasing incidence of infertility. Against this backdrop, the Surrogacy (Regulation) Bill, 2016, was passed by the Lok Sabha on December 19, 2018. On a positive note, the Bill seeks to regulate surrogacy, prohibiting it for lifestyle purposes. And towards this purpose, it outlines the constitution of a "District Medical Board" providing: a road map concerning the parentage and custody of the child to be born through surrogacy; constitution of a multi-level Surrogacy Board; defining an age limit and conditions to be a surrogate, besides including insurance for surrogates.

Surrogacy Bill reflects regressive 'family ethos'

January 4, 2019/the Tribune

PASSED by the Lok Sabha last month, the Surrogacy (Regulation) Bill — once it becomes an Act after the Rajya Sabha's nod — will bring to a grinding halt a flourishing trade in commercial surrogacy and rob India of the title of being the international hub of surrogacy. Since commercial surrogacy is allowed only in Russia, Ukraine and the US state of California, where the costs are prohibitive, couples keen to have a child through this procedure used to flock to Indian shores and approach surrogacy centres in major cities of India. Rough estimates state that it is a \$2.3-billion industry which allowed medical practitioners to reap a rich harvest for well over two decades, without any rules and regulations governing their practice. However, it put the lives of poor women, who rented out their wombs to a surrogate couple to earn a living, at great risk due to repeated pregnancies. Their dire poverty was exploited by medical professionals who trampled upon the surrogate mother's fundamental rights. While the women earned a pittance, the professionals thrived on huge profits through this scientific innovation in the field of reproductive rights.

Is Banning Commercial Surrogacy The Right Thing To Do?

January 5, 2019/Livelaw

The Lok Sabha has passed a bill to ban commercial surrogacy in India. It is presented as a historic step expected to protect vulnerable Indian surrogates from exploitation and to change India's image internationally as a surrogacy haven. The present bill, preceded by multiple attempts of legislation aimed at regulating surrogacy, proposes placing a complete ban on commercial surrogacy in India.

Surrogacy is the medical practice, often supported by a legal agreement, in which a surrogate woman carries to term another couple's child. Both or either of the intending partners could be biologically related to the child. The surrogate or another donor may contribute egg or sperm in some cases. A surrogate woman may be approached by a couple when pregnancy is medically impossible for the intending mother or risks associated with pregnancy threaten her life. Surrogacy arrangements may also be sought by gay couples or intending single male parents.

With regards,

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