

## The Surrogacy (Regulation) Bill, 2019

### Why in News?

The Surrogacy (Regulation) Bill, 2019 was introduced in the Lok Sabha earlier this month by the Ministry of Health and Family Welfare.

### How does it regulate surrogacy?

- It prohibits commercial surrogacy but allows altruistic surrogacy.
- **Altruistic surrogacy** - No monetary compensation to the surrogate mother other than the medical expenses and insurance coverage during the pregnancy.
- **Commercial surrogacy** - Monetary benefit or reward exceeding the basic medical expenses and insurance coverage will be given to the surrogate mother.
- Surrogacy clinics must apply for registration within a period of 60 days from the date of appointment of the appropriate authority.

### When is surrogacy permitted?

- When the intending couples suffer from proven infertility.
- When Altruistic and not commercial.
- When Children are not produced for sale, prostitution or other forms of exploitation.
- For any condition or disease specified through regulations.

### What are the eligibility criteria for the intending couple?

- They should have 'certificate of essentiality' and a 'certificate of eligibility' issued by the appropriate authority.
- **Certificate of essentiality** -
  1. A certificate of proven infertility of one or both of the couple from a District Medical Board;
  2. An order of parentage and custody of the surrogate child passed by a Magistrate's court;
  3. Insurance coverage for a period of 16 months covering postpartum delivery complications for the surrogate.
- **Certificate of eligibility** -

1. They must be Indian citizens and married for at least 5 years;
2. Wife - 23 to 50 years old and Husband - 26 to 55 years old;
3. They do not have any surviving child (biological, adopted or surrogate).

### **What are the eligibility criteria for surrogate mother?**

- She should get a **certificate of eligibility** from the appropriate authority, the surrogate mother has to be:
  1. A 25 to 35 years old married woman with a child of her own, who is a close relative of the intending couple.
  2. Can surrogate only once in her lifetime.
  3. Should possess a certificate of medical and psychological fitness for surrogacy.
  4. She cannot provide her own gametes for surrogacy.

### **What are National and State Surrogacy Boards?**

- **Central governments** shall constitute the National Surrogacy Board (NSB) and by **state governments** the State Surrogacy Boards (SSB).
- **Functions** of the NSB include advising the Centre on policy matters, laying down the code of conduct of surrogacy clinics and supervising the SSBs.

### **What are the other procedures?**

- A child born out of a surrogacy procedure will be deemed to be the **biological child of the intending couple**.
- An abortion requires the written consent of the surrogate mother and the authorisation of the appropriate authority, compliant with the **Medical Termination of Pregnancy Act, 1971**.
- The surrogate mother will have an option to withdraw from surrogacy before the embryo is implanted in her womb.

### **What are the offences and penalties?**

- The offences under the Bill include:
  1. Undertaking or advertising commercial surrogacy;
  2. Exploiting the surrogate mother;
  3. Abandoning, exploiting or disowning a surrogate child;
  4. Selling or importing human embryo or gametes for surrogacy.
- The penalty for such offences is imprisonment up to 10 years and a fine up to 10 lakh rupees.

**Source: PRS**

