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Cabinet Approves Bill to Regulate Surrogacy

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Why in News

The Union Cabinet has approved the **Surrogacy (Regulation) Bill, 2020**.

- The Cabinet **incorporated all the recommendations of the Rajya Sabha Select Committee** before approving the Bill.
- The latest Bill is a **reformed version** of the draft legislation, which was passed by the Lok Sabha in August 2019. The **2019 Bill was referred to the Select Committee**.

Key Points

- The Surrogacy (Regulation) Bill, 2020 aims at **banning commercial surrogacy and allowing altruistic surrogacy**.
While commercial surrogacy will be prohibited including sale and purchase of human embryo and gametes, ethical surrogacy to Indian married couples, Indian-origin married couples and Indian single woman will be allowed on fulfillment of certain conditions.
- The Bill **allows a willing woman to be a surrogate mother** and would benefit widows and divorced women besides infertile Indian couples.

Recommendations of the Committee

- **Definition of “infertility”** as the inability to conceive after five years of unprotected intercourse **should be deleted**. It is too long a period for a couple to wait for a child.
- It was recommended that a **surrogate mother need not be a “close relative”**.
Requiring the surrogate mother to be a “close relative” potentially restricts the availability of surrogate mothers, affecting people in genuine need.
- **Single women (widow or a divorcee) should be allowed** to avail of surrogacy.
- The **insurance cover** for a surrogate mother **should be increased to 36 months from 16 months**.

Features of the Surrogacy (Regulation) Bill, 2020

- It provides for the constitution **of surrogacy boards** at the national as well as state levels to ensure effective regulation.
- It seeks to **allow ethical altruistic surrogacy** to the intending infertile Indian married couple between the age of 23-50 years for females and 26-55 years for males.
- **Only Indian couples** can opt for surrogacy in the country.
- It makes it mandatory for the couple to **obtain a certificate of essentiality** and also a **certificate of eligibility** before going ahead with surrogacy.
- It also provides that intending couples should not abandon the child born out of surrogacy under any condition. The newborn child shall be entitled to all rights and privileges that are available to a natural child.
- The Bill also **seeks to regulate the functioning of surrogacy clinics**. All surrogacy clinics in the country need to be registered by the appropriate authority in order to undertake surrogacy or its related procedures.
- The Bill provides for various safeguards for surrogate mothers. One of them is **insurance coverage**.
- It also specifies that **no sex selection can be done** when it comes to surrogacy.

Source: TH