



Assisted Reproductive Technology (Regulation) Bill, 2021

Why in News

Recently, the [Lok Sabha](#) has passed the **Assisted Reproductive Technology (Regulation) Bill, 2021**.

- The bill has excluded live-in couples, single men and the [LGBTQ community](#).

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Regulating ART

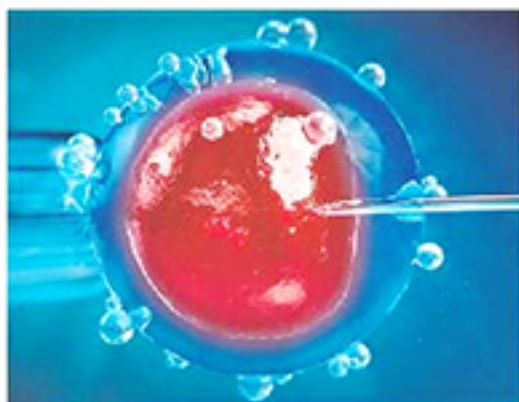


Illustration of in vitro fertilisation

- The Bill establishes the National Board, the State Boards, and the National Registry to

regulate and supervise Assisted Reproductive Technology (ART) clinics. It establishes ART banks to promote ethical practices

- It proposes stringent punishment for those who attempt to control the offspring's sex, sell embryos or gametes

- As of Feb. 20, there are 517 ART clinics under the National Registry of ART clinics and banks in India, according to the ICMR

Key Points

▪ Background:

- The Government had been working on the bill to **regulate the ART industry** since 2008 when it was first drafted by the [Indian Council of Medical Research \(ICMR\)](#).
- The bill was **first introduced in Lok Sabha** in 2020 but the House had referred it to a [standing committee](#).

▪ About the Bill:

◦ National Registry and Registration Authority:

- The bill **proposes the establishment of a national registry and registration authority** for all clinics and medical professionals serving in the field.

- It will help in **maintaining a database of all clinics** and medical professionals serving in the field.
- **State governments will appoint** registration authorities for facilitating the registration process. The registration will be **valid for five years** and can be renewed for a further five years.
- **Regulate ART Services:**
 - It seeks to **regulate and supervise Assisted Reproductive Technology (ART)** clinics and ART banks, prevent misuse, adopt safe and ethical practice and so on.
- **National Board:**
 - The bill **proposes the constitution of a national board.**
 - The board will **set minimum standards of physical infrastructure,** laboratory, diagnostic equipment and expert manpower to be employed by clinics and banks.
- **Stringent Punishment:**
 - It further **seeks stringent punishment** for those **practicing sex selection, sale of human embryos or gametes,** or found running agencies, rackets and organisations for such practices in violation of the law.
 - **For First-Time Offenders:**
 - It may attract a penalty between **Rs. 5 lakhs and Rs. 10 lakhs.**
 - **For Subsequent Contraventions:**
 - Punishable with imprisonment for a term between **eight and 12 years, and a fine between Rs. 10 and Rs. 20 lakh.**
 - **Any Clinic or Bank Advertising or Offering Sex-Selective ART:**
 - Punishable with imprisonment between five and **ten years, or fine between Rs. 10 lakh and Rs. 25 lakh, or both.**
- **Need:**
 - **To Standardise Protocols:**
 - There are so many such **ART clinics that have been running without regulation** and there are **implications on the health** of those who undertake the procedure.
 - If there is no regulation, the **unethical practices will increase.**
 - **To Protect Women and Children:**
 - The **oocyte** (a cell in an ovary) donor needs to be supported by an insurance cover. Multiple embryo implantation needs to be regulated and **children born through ART need to be protected.**
- **Concerns:**
 - **Discrimination in Accessibility:**
 - The Bill **allows for a married heterosexual couple and a woman above the age of marriage to use ARTs** and **excludes single men, cohabiting heterosexual couples and LGBTQ+ individuals** and couples from accessing ARTs.
 - **Duplicacy:**
 - Both **Surrogacy and ART Bills will set up multiple bodies for registration** which will result in duplication or worse, lack of regulation.

- **For example**, a surrogacy clinic is not required to report surrogacy to the National Registry.
- **Violates Article 14:**
 - The bill **violates [Article 14](#) of India's constitution** and is also silent on the rights of children.
 - According to **Article 14**, equality before law and equal protection of law to any person within India cannot be denied.
- **Cost of the Services:**
 - The **cost of the procedure should be effectively monitored** so that even the poor can avail of its services.

Assisted Reproductive Technology (ART)

- ART is used to **treat infertility**. It includes fertility treatments that handle both a woman's egg and a man's sperm. It works by removing eggs from a woman's body and mixing them with sperm to make embryos. The embryos are then put back in the woman's body.
- **In Vitro fertilization (IVF)** is the most common and effective type of ART.
- ART procedures sometimes use donor eggs, donor sperm, or previously frozen embryos. It may also involve a surrogate carrier.

Way Forward

- Clinics must have **ethics committees and mandated counselling services** should be independent of them.
- **Prior versions of the Bill regulated research using embryos**, which must be brought back and definitions of commissioning “couple”, “infertility”, “ART clinics” and “banks” need to be synchronised between the **Bill and the Surrogacy (Regulation) Bill**.
- **All ART bodies should be bound** by the directions of central and state governments in the national interest, friendly relations with foreign states, public order, decency and morality.
- All the **constitutional, medico-legal, ethical and regulatory concerns** raised by the Bill must be thoroughly reviewed before affecting millions.

[Source: TH](#)

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