Syllabus subtopic: Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.

Prelims and Mains focus: about the changes recommended by the RS committee; about the bill and its significance

News: The 23-member Rajya Sabha Select Committee on Surrogacy (Regulation) Bill, 2019 has recommended 15 major changes in the bill.

Background

The Surrogacy (Regulation) Bill, 2019 is yet to be passed by the Rajya Sabha and the committee has held ten meetings since the Bill was referred to it by the Lok Sabha on November 21, 2019.

What changes did it recommend?

- A surrogate mother need not be a “close relative” of the intending couple. Requiring the surrogate mother to be a “close relative” potentially restricts the availability of surrogate mothers, affecting genuinely needy persons.

- Omission of the five-year time limit before seeking surrogacy.

- allowing single women (widow or a divorcee and Persons of Indian Origin) to avail of surrogacy

- increasing insurance cover for the surrogate mother from the 16 months proposed in the Bill to 36 months.

- deleting the definition of “infertility” as “the inability to conceive after five years of unprotected intercourse” on grounds that it was too long a period for a couple to wait for a child.
In order to protect the interests of the child born through surrogacy, the Committee recommended that the order regarding the parentage and custody of the child, issued by a Magistrate, shall be the birth affidavit for the surrogate child.

As a general recommendation, the Select Committee said that the Assisted Reproductive Technologies (Regulation) Bill (ART), which is awaiting Cabinet approval, may be taken up before the Surrogacy (Regulation) Bill, since the ART Bill primarily deals with technical, scientific and medical aspects, including the storage of embryos, gametes, oocytes, etc. as contained in the Surrogacy Bill.