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## Surrogacy and Art in India: Socio-Legal and Ethical Dilemma

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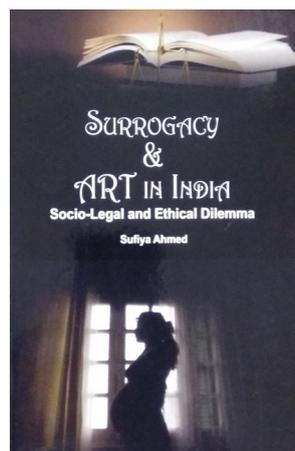
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This book comprises sixteen chapters compilation of research papers authored by different authors delivers all the information about surrogacy and ART (Assisted Reproductive Technology) and provides a deep knowledge about all the surrounding issues. This book gives overview about how surrogacy and ART arrangement helps childless infertile couple to get the baby of their own. In this arrangement, egg fertilized with spermin lab and then inserted in surrogate womb. Information about various form of surrogacy and ART also covered in this book. But central point of this book revolves around socio-legal, ethical issues and dilemma related to Surrogacy and ART faced by India and other countries. This book provides about the complexities and the challenges faced by surrogacy in recent time. This book covers all aspects along with International and national legislation related to surrogacy, Judicial approaches and India surrogacy bill, complications surrounding surrogacy and ART. Posthumous Assisted Reproduction (use of gametes, embryos or sperms after the death of partner for surrogacy) is also covered in detail in this book. Custody, abandonment and social acceptance of child born with the help of surrogacy, related issues and it's the effect on society are outlined in the book. Prof. Subir K. Bhatnagar, Vice-Chancellor of Dr. RML National Law University, Lucknow written the

unique foreword of this book. He highlighted the fact that situation in India is very worrisome regarding the surrogacy and ART. Due to lack of legal framework, India becoming a transnational surrogacy Hub. He underlined the point that 228th report of the Law Commission of India, asked to form proper legislation that can deals with surrogacy issues properly to tackle the situation existing in India.

In the first chapter of this book, authors discussed in deep about the lack of legal framework regarding surrogacy in Nigeria and in all the developing countries and its effect and along with it, reviewed in deep about the United Kingdom Legal Structure that deal with Surrogacy. This paper provides information about the challenges faced by Nigeria and developing nation in relation to surrogacy as developing countries have no law. The second chapter give Overview of Surrogacy Bill, 2016 of India in this book. The authors provide in detail background of the legal setup for surrogacy in India. Authors emphasised that vulnerabilities faced by a surrogate are intrinsic i.e., age or sex as well as extrinsic that covers income, literacy rate, employability and relational. The authors suggest that overall evaluation of legal vulnerability requires not only when women agree to surrogate a child but even after it. Third chapter focuses on the surrogacy (Regulation) bill 2019, that provides for the

setup of the National surrogacy board, state surrogacy board and other authorities to regularise surrogacy. The authors also emphasize women right to body dignity and reproductive choice. Fourth chapter highlights the fact that society and family always ignored partnering and parenting of the LGBTQ community. The author evaluates the pros and cons of LGBTQ opt for surrogacy to get a child of their own. One more layer of issue related to surrogacy unfolded in chapter fifth that provides in detail, why reproductive tourism taking place. With the development of private healthcare institution in India due to market liberalization policy, human reproduction technology also reached a new dimension. Some countries are in favour of surrogacy but some imposed restrictions due to ethical and legal concerns and some totally banned surrogacy. This situation is the key issue behind reproductive tourism taking place. Chapter sixth discussed a very burning topic related to posthumous assisted reproduction which made possible. The author exerts that it is need of an hour to make the guidelines related to posthumous assisted reproduction. The author tries to examine ethical legal issues related to PAR and the legal framework also suggested by the author concerning PAR. She discussed in detail the evolution of assisted reproduction in India through time, how this technology made it possible for men and women to have their baby conceived even after their death. The author also provided some judicial pronouncement to give more clarity on the legal status of a child born using PAR. Chapter seventh examines the legal aspect of Parenthood in surrogacy arrangement and the author exerts that it is a requirement of time to evaluate current national laws provides the apt protection to Child and parties to contract of surrogacy or not. Emphasis is given on the study of other jurisdiction's law related to surrogacy, so that will help in easy identification of law and better solutions. Chapter eighth discussed in detail the surrogacy contract, the enforceability of surrogacy contract and issues born out of these contracts at the national and International level comprehensively. The legitimacy of a child is difficult to establish in the absence of law, as a result, child's legal status became questionable.

Commercialization of surrogacy and exploitation of surrogate is the main concern related to surrogacy, which highlighted by the different author in this book. Chapter ninth evaluate the real condition regarding surrogacy and its commercialization. A surrogacy arrangement is legal in India, but no law prohibits it or deals with the issues arising out of such arrangement. In her paper, the author explored all the supreme court observation regarding surrogacy to provide more clarity on the legality of surrogacy. The author also discussed that surrogacy is booming in India due to the lack of robust speed breakers. Administrative, adjudicatory and institutional challenges faced by surrogacy covered in chapter tenth. The authors discussed the organizations that provide fertility treatments

treat surrogates as their employees and this is resulting in surrogacy farms that legalize so many unethical practices and diminish the dignity of women to the great extent. Cheap labour and the need for money are the two factors that are giving thrust to the surrogacy industry. Chapter eleventh deals with surrogacy and dilemma surrounding surrogacy arrangement. In their paper authors outline in the type of surrogacy; how infertile couple get benefited from it and surrogacy amounted to prostitution by the opponent of surrogacy as they equate it to the selling of the body. The author viewed that government must not put a blanket ban on commercial surrogacy, must make stringent laws deals with altruistic surrogacy as well as laws deals with surrogacy. Chapter twelfth highlighted surrogacy arrangement related socio-legal issues made it essential that contractual surrogacy arrangement cannot be overlooked. Commercial surrogacy, possible surrogate exploitation in family and cross border surrogacy, morality issues, legal issues related to child identity are some reasons underlined by the author that necessitated surrogacy contract. Custody is a very important issue related to the surrogacy contract. This issue raised in chapter thirteenth. In this paper author dealt with the surrogacy concept, legal issues related to it and then explore custody, legitimacy and paternity issues related to surrogacy. In chapter fourteenth author tries to explore the complication of Indian Surrogacy Law through the research paper titled. The key point around which this paper develops is Baby Manji Case and its impact on the law of surrogacy in India. It underlines the need for strict laws for surrogacy, which helps in reducing the exploitation of surrogate and gave stress on making the intended parent more accountable in relation to surrogacy arrangement and child. Commercial surrogacy even though indirectly banded in India but still, is a big concern before the nation. Chapter fifteenth highlighted the commercial surrogacy related problem and critically analysed the total ban on it in India. In this paper, the author tries to assess the reasonability of the ban on commercial surrogacy and providing the restricted altruistic surrogacy by the government of India. The author evaluates all the socio-legal, religious, ethical, economic and moral issues related to surrogacy, analysed how the surrogacy concept and related laws develop with time, and how the ban on commercial surrogacy helps in resolving these issues. The author also purposes the model to deal with the current situation, while concluding the paper. The very critical aspect of surrogacy is social acceptance. Chapter sixteenth deals with the social acceptability aspect of surrogacy. The authors discussed surrogacy and its type, how the surrogacy contract mechanised the process of birth results in the violation of women dignity, Surrogacy (Regulation) Bill, 2016 and devolves further into the aspect of surrogacy i.e., infertility, morality and rights of the surrogate. The authors outline the surrogate right to privacy as the right to non-disclosure of her identity,

right to counselling as in surrogacy mother have to give up her child, right to medical expense and parental rights.

This book is a small contribution to the field of Surrogacy and Assisted Reproduction Technology (ART). This book is layered in sixteen dimensions in its sixteen chapter. Every chapter unfolds new surrogacy and ART related aspect. This book not only covers socio-legal, moral and ethical aspect but also pointed out medical issues related to surrogacy. Commercialization of surrogacy and Surrogacy Bill in India, LGBTQ community rights in a surrogacy arrangement, Posthumous Assisted Reproduction (PAR) and surrogacy, surrogate exploitation and

child legal identity have highlighted concern in this book that surrounding surrogacy. This book outlines national and international case law, laws and proposed surrogacy law and many authors also provide a model to deal with this situation in India. India, Surrogacy ( Regulation) Bill, 2016 and 2019 discussed and evaluated in detail in this book. This book provides comprehensive knowledge about Surrogacy and ART related issues. This book is a Protein Mix for students, scholars, academicians, Advocates, Judges, health professional, policymakers and the general public that helps them to strengthen their knowledge about Surrogacy and ART and all the aspects related to it.