



Human Cloning and Surrogacy

Issues Related to Human Cloning:

Human clones can be developed by Somatic Cell Nuclear Transfer Technology (SCNT). Human cloning is banned all over the world, on the basis of socio-ethical issues such as:

- Clones' relationship and family rights will be disputed.
- It will increase single parenthood.
 - They adopt kids at some point of time.
 - Family importance will get weakened.
- Human clones can be misused for organ harvesting, front line human shield as warriors in defense sector and in global terrorism.
- Raise issues related to human rights and citizen rights.
- Society and family look like clones as second grade citizens.

Surrogacy

- Surrogacy is a medical service in which an embryo developed by IVF by using a couple's sperm and ovum is implanted into the woman's uterus and womb.
- The purpose of surrogacy is to provide nutrition and development to the embryo by another female.
- It comes under Assisted reproductive technology (ART). For Example; IVF (In Vitro fertilization) or Test Tube Baby which involves:
 - IVF
 - Surrogacy

Process of Surrogacy

- In the process, sperm from the male and ovum from female are fused together to form zygote.
- Then, it leads to development of the embryo in lab conditions.
- Then, it is made to transfer in the uterus of the surrogate mother and pregnancy will start taking place.
- After 9 months, this surrogate mother will give birth to a baby.

Types of Surrogacy

Altruistic Surrogacy:

- This type of surrogacy is a kind of favor or help to a couple and no monetary benefits are given to the surrogate mother.

Commercial Surrogacy :

- This is a service surrogacy and it is paid. Here the surrogate mother gives consent to take pregnancy out of monetary benefit.
- Commercial surrogacy started in India in 2002 under guidelines of ICMR. ICMR directed fertility clinics to provide commercial services.
- And within few years, India emerged as global hub of commercial surrogacy because of following reasons:
 - Lack of Act and law related to surrogacy.
 - Good medical services are available.
 - It was easy to find a surrogate female due to unemployment and poverty.
 - Surrogacy service was cheaper.



Problems due to commercial surrogacy in India:

- Exploitation of surrogate females.
- Breach of privacy and breach of dignity.
- Issues related to surrogate babies - **custody and citizenship issue.**

Due to such issues, commercial surrogacy was banned in India in 2015 and the Indian government started making laws for it.

Additional Information

- In the Baby Manji Yamada case, a Japanese couple who availed of surrogacy in India, divorced while the surrogate mother was pregnant. They then refused to take ownership of the child. Baby Manji Yamada vs Union of India (UOI) 2008, was the first case wherein a decision linked to surrogacy was made by the Apex Court and it marked the importance of developing surrogacy regulation laws in India.

Indian Surrogacy Act 2021

- To deal with surrogacy related surrogacy problems and to regularize surrogacy, the Government of India enacted Indian Surrogacy regulation Act 2021.
- Under the Act, only altruistic surrogacy is allowed and commercial surrogacy is banned completely.
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- Surrogate mother can give only one surrogacy service in her life.
- Who can avail Altruistic Surrogacy?
Heterosexual Married Indian couple:
 - No foreigners are allowed.
 - Married couple with a 5 year waiting period after marriage.
 - o Male age should be between 26-55 years.
 - o Female age should be between 23-50 years.
 - o They should not be having any kid.
- Widows and divorcees can also avail.
- Who are not allowed?
 - Homo sexual couple
 - Unmarried and live-in couple
 - Non-Indian.
 - Single parent except widow and divorcee female.
- National Surrogacy Regulation Board, and State Surrogacy Regulation Board will be responsible for regulation and control of surrogacy in India.
- If the law is violated then there is provision of punishment i.e.; 10 years of imprisonment and up to Rs 10 lakh penalty.

Additional Information

- Earlier even medically fit people like Sharukh Khan, Amir Khan, Tusshar Kapoor and Karan Johar have used surrogacy to get their child.