

NOW RENT A WOMB

A radical proposal to legalise proxy motherhood in India sparks a debate on its medical and ethical repercussions

■ by Prerna Singh BINDRA and Shefalee VASUDEV

Wanted: A womb. The woman should come from a good family, be healthy, trustworthy and broadminded, and already have had children. Handsome payment assured.

THE HUNT FOR SURrogate mothers may soon jostle for space alongside matrimonial ads in the Sunday classifieds. India, where motherhood is considered a boon and childlessness a bane, supports a vast baby industry operating at two

ministries, has been drafted by a 15-member team of experts headed by Baidyanath Chakraborty in collaboration with the Indian Council of Medical Research and National Academy of Medical Science. In surrogacy, a childless couple uses the womb of another woman to carry an embryo to term for them. "In India though we largely rely on family members to carry the child, we do have cases of couples opting for commercial surrogates," says Indira Hinduja, pioneer of IVF technique, who believes the time for paid surrogacy has come. Making it legal enhances the range of choices for childless couples though it is laden with many complications.

Sohani Verma, an IVF specialist at

Psychologists too appear sceptical: while the draft clarifies that no parental rights will be granted to the surrogate or the third-party donors of eggs or sperms, there have been instances where surrogate mothers have refused to part with the child after birth.

Lawyer Rajeev Dhavan, who is the legal adviser to the proposed bill, agrees that the bill has not been properly scrutinised. "Who finds the surrogate mother? How is she protected? Should the child have the right to know about his/her genetic parents? These questions need to be addressed as do caste and other social concerns," he says.

The questions come in a flood: if the surrogate mother is a relative or a friend, what are the consequences of a friendly relationship between her and the couple who hired her? What if the child develops an attachment to the biological mother? Partial surrogacies—where the husband's sperms used to fertilise the surrogate mother's egg—are a tricky area with the lurking possibility of the man getting drawn to the surrogate mother.

It is what Delhi-based Ritika feared would happen. With the help of an infertility specialist, she advertised for a "baby-carrier" and zeroed in on a 31-year-old mother in Mumbai. A contract for Rs 2 lakh plus expenses was signed.

rules for egg donation differ. The proposal says that egg donation should only take place from within the wife's family. The warped logic for that is "Indian culture"—if the mother were to die, the father can marry within the wife's family and "continue" the lineage. Female doctors on the panel were opposed to this clause. The proposal also makes surrogacy applicable to lesbian and gay couples and single women who want children.

THE rampant commercialisation of surrogacy is a looming fear. In India, surrogate mothers can reportedly be hired for a price of up to Rs 10 lakh. If the doctors assist in the process of finding a surrogate, there is a possibility that they may ask for a fee as experts say eggs can cost over Rs 20,000. The bill proposes that voluntary groups act as "agencies" for surrogate mothers and oversee sperm banks. Experts are vocal in their opposition saying that well-meaning NGOs are sometimes "a cover-up for business and do not understand the medical aspects of IVF".

Medical complications during childbirth is another problem area not addressed in the bill. "There are times when the child is born retarded or physically challenged," points out Verma. "Neither the surrogate mother nor the parents may want to have the baby."

The procedure of pregnancy itself can produce complications, including ovarian hyper stimulation syndrome (OHSS), says infertility expert Neelam Sood. OHSS is rare and occurs in a mild form but produces enlarged ovaries, leads to fluid accumulation in the abdominal cavity causing breathing difficulties and weight gain. The question of who takes responsibility for the financial burden and the welfare of the surrogate mother so afflicted is not covered by any clause in the bill.

Before counselling and care, experts say the ART industry in India needs stern regulation. Aparna Basu, president of All India Women's Conference, says women should view surrogate motherhood as a last resort. "It may enhance possibilities for childless women but unless ethically guaranteed, it could create many emotional barriers between women," she feels. The proposed bill legalising surrogacy is ridden with many imbalances. In its current form, it needs to address the health of the men, women and children in question before it can be allowed to reach the delivery table.

(Some names have been changed)

STORM AROUND SURROGACY The draft bill on substitute mothers divides the worlds of medicine and law

THE PROPOSAL

- Sperm donation from banks, but eggs to be taken only from the wife's family.
- Surrogacy to be open to gay and lesbian couples and to single women.
- NGOs to serve as agencies for surrogates.
- Advertising allowed to find surrogate mothers.

THE COMPLICATIONS

- Social and ethical complexities rising out of surrogate motherhood.
- No protection for surrogate mothers in case of medical problems.
- NGOs could exploit commercial surrogates.
- Ambiguity about the children's right to know.

IN FAVOUR

"Surrogacy could be a big step ahead for childless couples."

Dr Sohani Verma
IVF specialist

AGAINST

"The draft is fundamentally flawed and needs thorough scrutiny."

Rajeev Dhavan
Lawyer

levels: a legal enterprise consisting of assisted reproductive techniques (ART) like in-vitro fertilisation (IVF) and artificial insemination, and a surreptitious world of "other mother" options working within the family and with the consent of desperate, childless couples. Now, with a draft bill on ART proposing to make surrogate motherhood legal in India, there is a proposal to throw open the doors of the fertility factory wider. The womb-for-rent advertisement could well turn into a reality.

The bill, which has been recently submitted to the Union health and law

Delhi's Apollo Hospital, says, "The technique is simple, but its emotional components make it debatable." Medical groups argue that the bill itself, which took about five years in the drafting, has many unironed areas.

One of the guidelines states that a surrogate mother should belong to the same generation as that of the couple to avoid health complications from an elderly carrier. But Anoop Gupta of IVF Fertility Research Centre, Delhi, says, "Women who have already borne a child make the best surrogates as the attachment to the baby doesn't become a threatening complication."

Her conditions were that the surrogate—Ranjana—never contact them and that she stay in Delhi till the pregnancy reached its fruitful end. She discouraged Ranjana from meeting her husband, fearful of an emotional attachment growing between the two, unlike the perfect friendship in Meghna Gulzar's directorial debut, *Filhaal*, on surrogate motherhood.

The bill also raises ethical questions, specially those related to partial surrogacies. While it promises to protect the anonymity of the sperm donor (in case of both IVF and partial surrogacies) and advocates the use only of sperm banks,