

**BILL MUST INCLUDE SINGLES, PROTECT SURROGATE MOTHERS: RESEARCHERS**

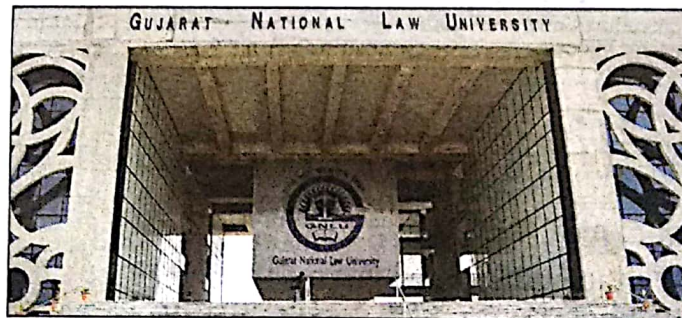
# GNLU study finds scope for improvement in surrogacy laws

Parth.Shastri@timesgroup.com

**Ahmedabad:** The Surrogacy (Regulation) Bill, 2016, allegedly sounded the death knell for commercial surrogacy centres in India such as Anand, where couples not only from India but also from abroad come to find a surrogate mother and have a child. Did regulation do good for the industry? Can some of clauses be changed?

A team from Gujarat National Law University (GNLU) — Dr Anjani Singh Tomar, Dr Bindu Vijay and Dr Viralkumar Mandaliya — undertook a study of the legal aspects as part of a government of Gujarat-funded research project in 2017-18. The study found that aspects of the bill could be misused. While the bill efficiently outlines how a clinical facility can be recognized and managed, board approvals could mean that clearances would take time.

“The bill poses a number of



legal and ethical questions. The doctors covered in the study felt a large number of people were coming to India to avail of the facility, adding to medical tourism. Moreover, research and development in the field can be hindered. The bill does not recognize singles or those who are unmarried, including persons from the LGBTQ community,” said a researcher.

Respondents included doctors, academicians, members of the public and surrogate mothers from Ahmedabad, Gandhi-

nagar and Anand. Of the total, 35% agreed, 21% disagreed and 44% were not sure about whether the provisions of the bill would be misused. More than 70% agreed that the age limit for surrogates should be 25 to 35 years.

One of the aspects highlighted is the clause, allowing only a woman close to the couple to become a surrogate. The researchers pointed out that many times, finding such a woman may be a difficulty. Womanhood is believed to be incomplete without motherhood in countries

like India and the practice to some extent provides women a chance to be a mother.

On critical side, the researchers said there must be regulation of the fees taken from couples and remuneration provided to the surrogate mothers as the gap between the two is huge.

## International custody battles

As part of another project in the same series, a GNLU team studied rulings of the Supreme Court and various high courts on legal custody battles in a paper ‘Primary care takers and Inter-parental Cross-border Child Custody Disputes.’ The study found that the return of the child to a foreign jurisdiction was ordered in 41% of cases. In 55% of the cases, custody was given to the mother. Over half of the cases studied were from the US (14) followed by the UK (5) with one case each from Australia, the Netherlands and New Zealand.