

Name of the Ph.D. Scholar	Tarannum Khan
Name of the Supervisor	Prof. (Dr.) Nuzhat Parveen Khan
Faculty	Faculty of Law, Jamia Millia Islamia, New Delhi
Title of Ph.D.	A Comparative study of Surrogacy related Laws in U.K, U.S.A and India

ABSTRACT

The thesis deals with surrogacy related laws in the countries of U.K, U.S.A and India. The advent of science and technology has brought a great change in the life of a human being and similarly had a great impact on the concept of surrogacy. The concept of motherhood had changed is also effected and has been changed into genetic mother, surrogate mother, biological mother and social mother. This study talks about the ART techniques like donor insemination, invitro fertilisation and embryo transfer methods which have completely revolutionized the reproductive environment. The practice of surrogacy involves many ethical and legal issues. The study focuses about the many unanswered questions related to surrogacy. There is no law governing surrogacy in India. There is only 126 page document regulating the technologies used. The ICMR issued guidelines for Accreditation, Supervision and Regulation of ART clinics in India in 2005, the ART Bill 201, 2013 and amended one in 2016, but the guidelines and bills are non binding. The clear cut formation of an Act regarding surrogacy laws is still awaited. Through analysis of all legal and ethical questions should be done before making any legal provisions and designing any policy regarding surrogacy. The present study seeks to critically study the laws relating to surrogacy in India, U.S and U.k. by referring to laws of U.K and U.S.A, the study points out towards the improvement needed while making a law in India. Though there are other laws available to deal with the problems posed by surrogacy and to reap the benefits of surrogacy in India but there are lacunas in those laws itself and further there are lacunas in the better implementation of the law in the present scenerio when surrogacy has become nemesis in terms of its proper regulation and in terms of violation of human rights on ethical grounds which has essentially been regulated inspite of the gravity of the issues involved. Thus, in this light, the present study would do threadbare analysis of the provisions of the legislations dealing with

surrogacy in India with direct reference to laws in U.S and U.K. Therefore, the present study presents comparative analysis of the various rules and regulation prevailing in U.S, U.K and India. So, to remove the lacunae and to make efficient laws, the following have been recommended:

1. Surrogacy Courts : A specific court called "Surrogacy Court" can be made. It can thoroughly take cognizance of all the issues identifying with surrogacy. It can help resolve the matters at one place.
2. Sex-particular surrogacy ought to be restricted: sex selective surrogacy should be completely banned.
3. Surrogacy Arrangements expedited by business or benefit organizations ought to be prohibited. It underscores the best conceivable direction and anticipation of business plans with the objective of reducing abuse of the statutory plan and the gatherings included.
4. Non-natives coming to India for the purpose of surrogacy must apply for therapeutic visa and not visitor visa. A letter from the international safe haven ought to be enclosed with visa application expressing that the nation perceives surrogacy and the child conceived thereof will be dealt with as a natural offspring of the couple.
5. The treatment ought to be done just at enrolled ART facilities perceived by Indian Board for Medical Research. Present day Reproductive Technology, with or without direction, may pointedly change our future.
6. The proposed ART bills should see the light of the day and a strong Act should be made to regulate the practice of commercial Surrogacy. Re drafting of the ART Bill in compliance with public policy should be done.
7. Determination of the obligations and rights of the surrogate, biological parents should be done by the statute not on the basis of the contract.
8. Amendment of personal law that governs the rights of the surrogacy child should be done and Welfare of the child should be considered as the most important aspect.