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No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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AN EMPIRICAL STUDY ON LEGAL PERSPECTIVES ON COMMERCIALIZATION OF SURROGACY IN INDIA

AUTHORS – SHARADH SURESHBABU¹ & DR.R.CHANDRASEKAR²

STUDENT¹ & ASSISTANT PROFESSOR² AT SAVEETHA SCHOOL OF LAW,

SIMTS

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ABSTRACT

Surrogacy indicates a form of third party reproductive custom wherein intending parents contract a surrogate mother to give childbirth. Surrogacy in its proper definition is it is a procedure or arrangement of giving birth for somebody else. Gestational Surrogacy provides a golden opportunity to those couples who are unable to have their own children become parents. From a commercialization point of view, India was considered to be a famous surrogacy destination which was otherwise known as “Baby Factory”. The Universal Declaration on Human Rights also acknowledges Right to Family as a fundamental human right of a person. Thus, it also provides an option for the concept of surrogacy for people who cannot conceive. The law says that the practice of surrogacy should be altruistic in its character.so, it banned the commercialization of surrogacy. The objectives of my research is to understand the current scenario of surrogacy & its commercialization in India & other countries, To find out various legislations available with our government to surrogacy, To create awareness among the public whether the surrogate mother has any share over the property of the child, To discover various alternatives to equalize the effect of surrogacy commercialization in India, To understand the mental health of surrogates due to commercialization. The researcher has 202 samples collected. The researcher followed the Empirical Research Method. Since, Surrogacy is an act that enables all the couples to enjoy the taste of parenthood no matter whether they reproduce or not. So, this should be protected by our government & people for long without the undue influence of monetary terms & greater attention is required on this sensitive matter.

KEYWORDS

Child, Surrogacy, Surrogate Mother, India, Mental Health

INTRODUCTION

Let me start my research paper by saying a wonderful Quote on Surrogacy is “A Gift from God grown close to my heart forever loved and adored by you”. This quote just explains the beauty of surrogacy. Surrogacy is a process or method by which a woman gives birth to a baby on account of someone who is not physically able to have babies themselves & gives the baby to that person. The requirements to be undertaken by the couples who wish to undertake surrogacy is that the couple should & must be Indian Citizens, should be married

minimum for five years, any one of the partner should be infertile, the wife should be between the age group of 23-50 years & husband should be between the age group of 26-55 years.

The Evolution of surrogacy & its commercialization is quite an interesting one. Since, in consonance with hindu Mythology it has many situations where surrogacy is cited in a better way. In Bhagavata Purana, Vishnu ji listened to Vasudev's prayers supplicating kansa not to kill all sons who were born. Vishnu heard these prayers & had an embryo from Devika's womb shifted to the womb of Rohini, the other wife of the Vasudev.Rohini then gave

birth to the baby called Balaram, brother of Lord Krishna & Privately raised the child while Vasudev & Devki told to kansa that the child was dead at time of birth. The chronicle of surrogacy also pertained to the Mahabharata. India's earliest IVF baby & world second baby kanupriya was born 67 days posterior on third of October 1978. The baby Kanupriya is the outcome of the efforts made by Dr Subhas Mukherjee. Commercial Surrogacy, or "Wombs for Rent", is a booming business in India. Various opinions by experts have so-called the trend of surrogacy as "Parenthood by proxy". In the year 2002, the commercial surrogacy was legalized in India. On an average many of the surrogate mothers are paid fixed amounts in part payment for an interval of 9 months in the process of surrogacy. There are various places in India where surrogates are so readily & cheaply available, these are Anand town in Gujarat, Indore in Madhya Pradesh, Pune & Mumbai in Maharashtra.

The government initiatives on Commercialization of surrogacy is the Surrogacy (Regulation) Bill, 2019 the Bill forbids the commercial surrogacy, but permits humanitarian surrogacy, as this surrogacy associate no monetary terms or giveaway to the surrogate mother apart from the medical costs & insurance indemnification at the time of pregnancy. there is also one another bill on surrogacy which came on the year 2020, Surrogacy regulation bill 2020, has actually extended the areas by permitting any married & prepared women who is in between the age group of 25 to 35 years having her own child can portray as a surrogate mother. This bill has brought many facilities in favor of surrogacy & surrogate mother than 2019 bill, it allows the usage of ethical altruistic surrogacy, it allows any women volunteering to be a surrogate mother. This bill also includes within its ambit live-in couple, divorced women, widows, Non-Resident Indians, persons of Indian Origin, Overseas citizenship of India etc. The Surrogacy (regulation) Bill, 2016 as it suggests to administer surrogacy in our country by

introducing various National Surrogacy Board at the central level, & at the same time state surrogate boards in the states & Union Territories. The important features of this bill is that the child who is born via surrogacy is presumed or it will have the same rights as it is applicable to the biological child, the intending couples should not reject the child that is born out of a surrogacy process under any circumstances.

The factors affecting commercialization of surrogacy is that lack of ability to have a child of their own by the couples, lack of trust since huge money is involved in the process, There will not be any exchange of love & care between the baby & surrogate mother, lower class people cannot afford to have one, there is a possibility of illegal business via surrogacy due to its commercialization.

The famous celebrities who have children via surrogacy are Priyanka & Nick Jonas, Preity Zinta & Gene Goodenough, shilpa shetty & Raj Kundra, Sunny Leone & Daniel Weber, Shah rukh khan & Gauri khan, Karan Johar.

The mental health of surrogate mothers is drastically affected due to commercialization since, it causes a kind of depression in the minds of them as it part ways the child from them as an indirect love occurs between the mother & child. Later it becomes a trauma in them. It is even worse where they are not given any opportunity to see the child again in their life. There is no specific provision in Indian law regarding the matter of surrogate mothers having any right over the property of the child. Since, Surrogacy is a contract whereby the woman who enters into agreement for surrogacy with commissioning parents she has to give up all her rights over the child. So, she does not have any right over the property of the child.

The current trends in surrogacy commercialization is that it has been completely banned by our Indian government & there are clear alternatives that are followed in

India are adoption, Uterus transplantation, Egg donation with IVF.

The Comparison between different countries with regard to commercialization of surrogacy. So, the commercialization of surrogacy is compared between India, Netherlands, United Kingdom, where in India Altruistic surrogacy is permitted & commercial Surrogacy is banned likewise in Netherlands Altruistic surrogacy is allowed & commercial surrogacy is prohibited, on other hand in United Kingdom Altruistic surrogacy is permitted & commercial surrogacy is forbidden. In India, payment to the surrogate mother is given in the form of Medical costs & Insurance Coverage, In Netherlands rational expenses related to IVF, the Pregnancy, delivery, those amount are not enclosed by insurance, Adoption Insurance & legal expenditure, whereas in United Kingdom payment to surrogate reasonable amount ignoring payment for the gain of the surrogate mother.

AIM: The Aim of the research is to have an Empirical study on Legal Perspectives on Commercialization of Surrogacy in India.

OBJECTIVES

- 1) To Understand the current scenario of surrogacy & its commercialization in India & other countries.
- 2) To Find out various legislations available with our government to surrogacy.
- 3) To create awareness among the public whether the surrogate mother has any share over the property of the child.
- 4) To discover various alternatives to equalize the effect of surrogacy commercialization in India.
- 5) To understand the mental health of surrogates due to commercialization.

LITERATURE REVIEW

- 1) **(Annual Report 2008-2009)** Nature has presented the alluring capacity to produce a life within women & every woman appreciates the experience of Motherhood. Right to reproduction is an inherent right of an individual. Every association across the world has endowed primary significance to the institution of family. From the old-fashioned days, the children are treated as essential for the continuance of the family pedigree & a source of happiness for the parents. But due to various reasons, a huge section of the society are not able to have their own child. There are many situations where there is a matrimonial failure due to inability to have a child. As per WHO Report the prevalence of infertility across the world including India is about 10-15 percent.
- 2) **(Kumari R)** The number of medical tourists escalated from 1,50,000 in 2005 to 4,50,000 in 2008 & the number of childbirth via surrogacy was twice estimates varying from 200 to 350 in the same year.
- 3) **(Kusum Jain, 1983)** Surrogacy has popped out as a new measure of scientific development for reproduction with the utilization of the womb of a woman to reproduce children for another woman. Surrogacy has given chances to have a genetically associated child to the couples who are not able to reproduce via artificial reproduction & in vitro fertilization. Surrogate motherhood is regarded as a boon by the infertile couples as it acts as an uprising hope for having a child.
- 4) **(Dempsey D, 2013)** Surrogacy has become a charismatic substitute for couples & individuals who desire to have a child biologically related to them. Surrogate assistance is published, flagrantly in India, chiefly by the agents

of the infertility centers. Surrogates are chosen by agents targeting uneducated, poor females. According to World Health Organization in & around 186 million women worldwide, are incompetent to get pregnant. Different medical reasons of genetically inability to conceive a child persists among couples, thrusting them to refresh to surrogacy services.

- 5) **(Kaumudhi Challa,2012)** The Law commission of India in its 228th report submitted by Dr. Justice AR Lakshmanan, chairman of law commission of India on 5th August, 2009 has suggested that the need of the hour to cultivate a efficient approach by validating altruistic surrogacy strategy & ban commercial ones. It has pointed out that ban of surrogacy completely on noble grounds without proper evaluation of social needs & purposes which surrogacy can deliver would be aberrant. The fundamental idea at the back of surrogacy is a moral one as it is grounded on the altruistic concept of doing good to others that is one woman aiding another woman. The religious text of hinduism & christianity spot out the custom of surrogacy in ancient times. Right to dignity is one of the inbuilt & appreciated rights of every human being. It is contested that surrogacy reduces the innate dignity of the women. Surrogacy involves the utilization of a woman's physical body for producing a baby which is given over to the commissioning parents. During the period of pregnancy, the surrogate mother has to follow the conditions put forth in the contract & has no right to take any decision impacting her body. Moreover, the surrogate mother also considers pregnancy as a tool for earning money & tries to neglect improving a special bond with the child in her womb. Thus, the natural mother-child bond is either nil or quashed & the

entire process is seen as a commercial deal. The critics argue that the woman's body is decreased to being an incubator or breeding machine & thus it degrades the dignity of women.

- 6) **(Aneesh.V. Pillai,2011)** Many authors have condemned that surrogacy is just another form of prostitution as it includes trading of the reproductive capacity of a woman & the utilization of her physical body in return for money payment. Additionally, it is contended that it is similar to a prostitute who has no option & authority in front of a customer who has asked her favour and paid an amount. Likewise, the surrogate mother also has no other choice than to follow all the terms and conditions that are said to be kept in front by the commissioning parents. In both of the above situations, one's physical needs are being offered, & surprisingly, in two cases material recompense is given for the physical services offered.
- 7) **(Yashomati Ghosh,2011).** Women with restricted economic means in India have easily ratified this procedure of earning fast money and satisfying the needs of the family. Thus, the existence of outstanding medical care facilities & the accessibility of low-cost surrogate mothers have kept India at the spearhead as the magnificent stop for surrogacy. As a result, couples who are not having children from all over the world are coming to India to get a child via surrogacy method at a very lesser cost. This continuous custom of outsourcing has been a matter of high criticism to boost issues like 'Slavery of Women' 'imperialism' 'exploitation of poor women etc.
- 8) **(ICMR,2005)** The lawful feature of surrogacy differs from one jurisdiction to another jurisdiction. The global accession to surrogacy has been

split into three major aspects that is free market, administered & banned. Certain jurisdictions totally prohibit surrogacy announcing commercial surrogacy as a criminal wrongdoing, while on other hand some countries' jurisdiction permits surrogacy on restricted grounds of selflessness. India is the sole country where surrogacy is either prohibited nor fully regulated. Presently, there is no law in our country for governing surrogacy. After many years of discussion and argument, in the first place, among the ICMR, the National Academy of Medical Sciences, and professionals of ART, the Ministry of Health and Family Welfare posted the nugatory National Guidelines for Approval, supervision & control of ART clinics & hospitals in India in 2005.

9) **(Anil Malhotra, Ranjit Malhotra, 2013)**

Thereafter in the year 2010, a gay couple, Dan Goldberg and Arnon Angel from Israel country to whom identical twin baby boys were born in Mumbai via an Indian Surrogate mother, were deserted in India after the rejection of the Jerusalem Family Court to permit a paternity test to start off the procedure for Israeli citizenship for the twins. The issue was argued in the Knesset (Israeli Parliament) whereby the Prime Minister Benjamin Netanyahu had to interfere so that the newborns could be brought to Israel following a legal process. In the end, in appeal, the Jerusalem District Court, ratified the claim that it was in the best interests to keep a DNA paternity test to confirm that Dan Goldberg was the father of the twin baby boys Itai and Liron. The DNA sample of Goldberg and the twins were produced to the Sheeba Medical Centre in Israel which showed that Golberg is the father of the newborns. After being stopped in Mumbai for almost over 3 months, Goldberg and his twin baby boys came

to Israel in May 2010 after being conferred Israel passports.

10) **(Ekberg ME, 2014)** By standardizing surrogacy, various legal and immigration problems in the cross-border surrogacy blueprint can be eliminated.

11) **(Kaumudhi Challa, 2012)** Customarily, a child is regarded as a present given by God. The Act of reproduction was also contemplated as a holy duty to be undertaken by the couples for forming a child. Prior to the development of medical technology the sole choice existing to the couple who are without children was either to adopt a child or to tolerate the bitter truth of childlessness as a judgment of God. The drastic improvements in the field of science and medical technology have generated a revolt by facilitating childless couples to afford a child which is biologically connected to at least one of the parents. After all science has been a benefit to couples without children, the accelerating utilization of technology and analysis for making babies with particular traits and features is being blamed. The critics asserted that by intruding with the natural procreation procedure, the man is acting in the role of God. This is regarded as a noble, honest and religious wrong.

12) **(Jasdeep Kaur, 2012)** The unsettled surrogate mother as natural mother has once more visited the Supreme Court of India as a challenge to decision awarded by the Gujarat High Court in Jan Blaze vs Anand Municipality, this case is popularly known as German Couple Case, In this case a German couple who does not have a child had twins via a surrogate mother with the aid of Anand infertility clinic, Gujarat. As German laws do not acknowledge surrogacy as a tool of parenthood, a

clear effect to such law was it would not permit the children to be viewed as German Citizens being born through surrogacy. To prevent the inevitable legal difficulties of immigration process, the couple go towards the Gujarat High Court for allowing their surrogate children to take Indian passports. The court in this case, along with the citizenship and providing the passport to the twins, was also worried about the gestational surrogate mother and the benefactor of ova. The court decided that in the absence of any legislation to the contrary, the court refused to admit the gestational surrogate who has given the childbirth as a natural mother and unnamed egg donor cannot be considered as natural mother. Recognizing the intended mother, they could hold that she is just the wife of the genetic father, who has neither contributed the ova nor conceived or delivered the babies, cannot in the hook of legislation be viewed as a lawful mother and she can never be a natural mother. However, Indian courts have not yet systematically inscribed surrogacy, leaving the task to the Legislature.

13) **(Kaumudhi Challa,2012)** The right to reproduction is a rudimentary fundamental human right. After all, the boosting employment of technology elevates the vital question as to whether surrogacy can also be applied and who can avail this right? Conventionally, Surrogacy is regarded as the final choice at hand for obtaining a child by married infertile couples. Though, use of surrogacy has become a testy issue due to the utilization of surrogacy by another set of persons like divorced, widowed, single, same sex couples, aged, disabled who are excited to have a child. Escalated use of technology by these people to produce a child would have an enormous blow on the social formation,

meaning of life, association of marriage and it will influence the social norms, morals and ethics in our society. Furthermore, the application of surrogacy by elderly and impaired persons will also lift the problems of maintenance and prosperity of the child. As a result, it is important to decide the measures regarding the use of surrogacy by particular persons other than married infertile couples. Article 7(1) of the convention on the Rights of the Child (CRC), 1992 highlights that a child has the right to learn about his or her origin. This implies that the officers have to keep up appropriate records relating to the origin of the child. An obligation is also put on the doctors, hospitals and the parents to give essential data as and when needed. The biological information is required for examining and treating specific diseases as well as to eliminate consanguine and incest marriages. It is to be understood here that, in the event of surrogacy the revelation of such data may have an unfavorable effect on the child as well as surrogate mother and commissioning parents. It is contested that once the child comes to know about the past part of his or her birth. There are chances that the child may return back to the biological or surrogate mother as the case may be. It perhaps also has an impact on the child mentally and it can cause some intellectual harm to the surrogate mother as well as the commissioning parents. Although, there is no particular legislation which governs the exposure of hereditary details to the child in India.

14) **(Yashmothi Ghosh,2011)** According to Black's Law Dictionary, 'an marshaling wherein a woman accepts to be artificially implanted with the semen of another woman's husband. Likewise, The ART Bill has defined surrogacy as 'an arrangement in which a women ratifies

to a childbearing, accomplished via assisted reproductive technology, wherein neither of the gametes pertain to her or her husband, with the aim to carry it to the term and give the child to the person or persons on behalf of who she is playing as a surrogate.

- 15) **(Patel NH, Jadeja Y, Patel MN)** The word surrogacy has its root among the Latin term “surrogatus” which indicates a lady plays as a replacement for an additional woman. Hence, surrogacy is a gathering normally aided by the legal agreement within the ambit in which the surrogate mother ratifies to give the childbirth for another person or who can become the parents of the child. There was a necessity of surrogacy due to the following reasons that is physical problems and same-sex couples. If we run to categorize the surrogacy governed by business grounds then the altruistic surrogacy as in this financial dealing is demoralized during this marshaling between the parties whereas in commercial surrogacy always deals with money in return of the services offered.
- 16) **(Fertil Steril, 2015)** Specific unknown endometrial factor leading to continuous IVF failures also compel couples to go for surrogacy.
- 17) **(Jaiswal S, 2012)** From the time India became the most wanted station for surrogacy with no accuracy and expectation of legal problems. The surrogacy clinics, government authorities, the intending foreign couples and children born via surrogacy had to go through a lot of issues relating to citizenship and immigration.
- 18) **(Saxena P, 2012).** In a country like the Republic of India, the only basis implemented for the option of surrogate mother is fertility of the mother. Intellectual counseling is the problem

that is as important as the reproduction problem, however, is ignored.

- 19) **(Desai.K, 2012)** Mrs Premila Vaghela, a 30 year old surrogate, died during her 8th month of gestation due to a seizure problem in the hospital. Following the seizure problem, she was transferred for an emergency cesarean section and the 8-month fetus was delivered and observed in the neonatal intensive care unit. The surrogate mother died, and no complaints were registered because her family got the compensation from the commissioned American family.
- 20) **(Dar S, Lazer T, 2015).** The Surrogate mother collects the amount of 3-4 lakh, from the agreement and earns around Rs 25,000 to Rs 40,000 additional if she delivers a twin baby or goes through cesarean section. Although, the amount collected in the episode of discontinuation of pregnancy, aftermath problems during or continuity of it after gestation is not clear. According to authors Duffy and Parkinson 3.2% and 10% of the surrogate mothers suffer from hypertensive disorders at the time of pregnancy and 1.1% and 7.9% of the surrogate mothers had issues regarding placenta previa or abruption.

METHODOLOGY

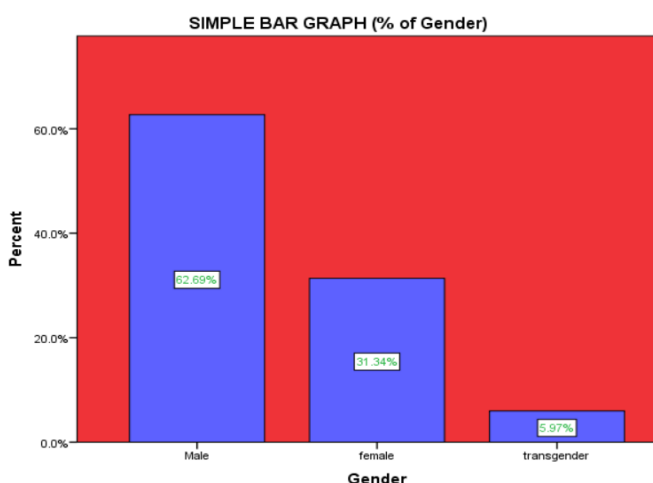
The Research Method used here is the Empirical Research Method. A total of 200 responses are collected. A Questionnaire was prepared in the Google Forms and it was Emailed to my friends, relatives and families. They were also requested by the researcher to forward the link to their closest ones. The responses were collected from the people living in Poonamallee & Anna Nagar & various other parts of Tamil Nadu & within India. The questions were Do you think that surrogacy has beneficial impacts on society, The Commercialization of Surrogacy has increased a lot in these times in India, The Surrogate mother must be given one share over the property of children, The reasons for

surrogacy to take place as an option to couples, Rate the scale 1-10 “The Commercialization of Surrogacy in India will affect the mentality of society towards women’s Reproductive System”. Their responses were collected by the researcher by using the SPSS software. The Independent variables are Age, Gender, Place of Residence, Educational Qualification, Occupation and Marital Status. The dependent variables are Do you think that surrogacy has beneficial impacts on society, The Commercialization of Surrogacy has increased a lot in these times in India, The Surrogate mother must be given one share over the property of children, The reasons for surrogacy to take place as an option to couples, Rate the scale 1-10 “The Commercialization of Surrogacy in India will affect the mentality of society towards women’s Reproductive System”. The tools used in this research are Simple bar graph, Clustered bar graph, Independent Sample T-Test, One-Way Anova and Correlations etc.

RESULTS AND INTERPRETATION

SIMPLE BAR GRAPH (FIG-1)

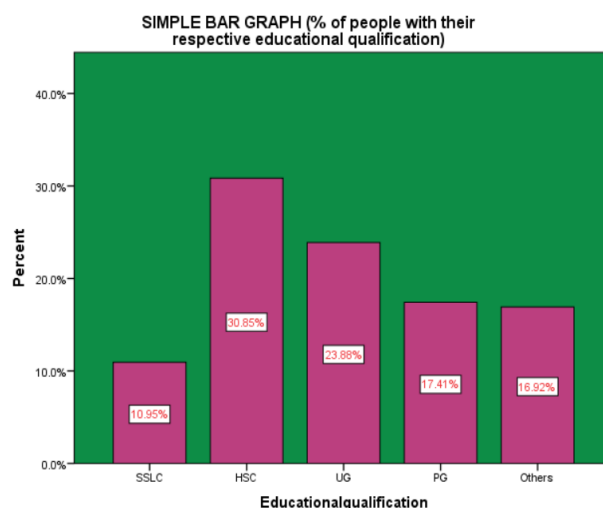
SIMPLE BAR GRAPH



LEGEND: The Above Simple Bar Graph clearly shows about the % of people who have responded to the questionnaire in relation to their respective Gender.

SIMPLE BAR GRAPH (FIG-2)

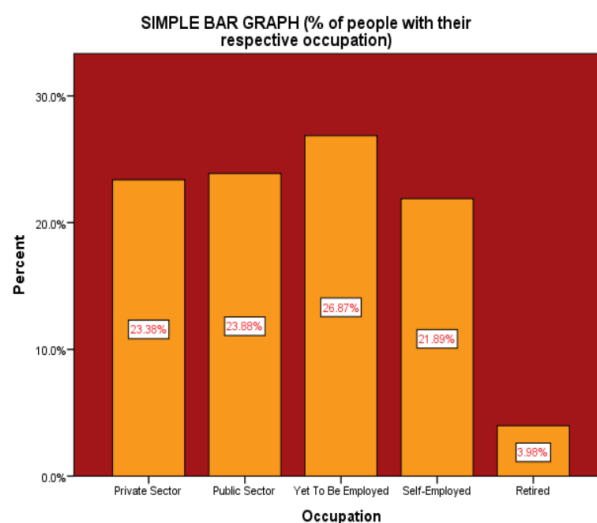
SIMPLE BAR GRAPH



LEGEND: The Above Simple Bar Graph clearly shows about the % of the people who have responded to the questionnaire in relation to their Educational Qualification.

SIMPLE BAR GRAPH (FIG-3)

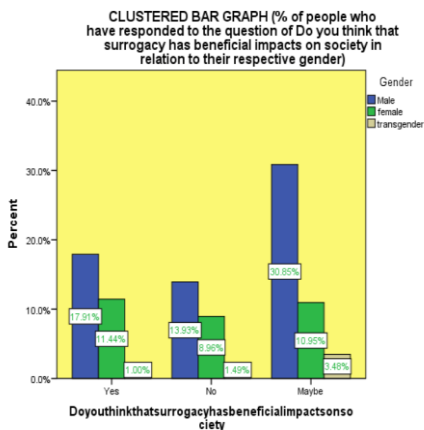
SIMPLE BAR GRAPH



LEGEND: The Above Simple Bar Graph clearly shows about the % of the people who have responded to the questionnaire in relation to their respective Occupation.

CLUSTERED BAR GRAPH (FIG-4)

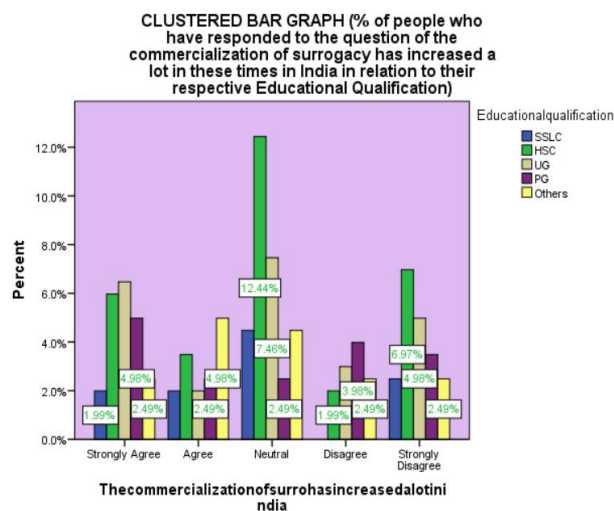
CLUSTERED BAR GRAPH



LEGEND: The Above Clustered Bar Graph clearly shows about the % of people who said their opinion regarding the question of Do you think that surrogacy has beneficial impacts on society in relation to their respective Gender.

CLUSTERED BAR GRAPH (FIG-5)

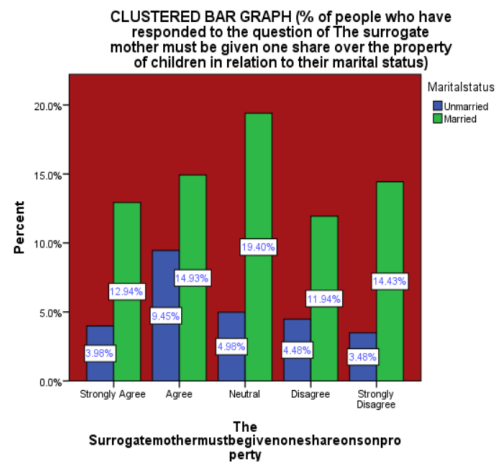
CLUSTERED BAR GRAPH



LEGEND: The Above Clustered Bar Graph clearly shows about the % of people who have said their opinion regarding the question of the commercialization of surrogacy has increased a lot in these times in India in relation to their Educational Qualification.

CLUSTERED BAR GRAPH (FIG-6)

CLUSTERED BAR GRAPH



LEGEND: The Above Clustered Bar Graph clearly shows about the % of people who have said their opinion regarding the question of the Surrogate mother must be given one share over the property of children in relation to their Marital Status.

INDEPENDENT SAMPLE T-TEST (FIG-7)

INDEPENDENT SAMPLE T-TEST

		Independent Samples Test								
		Levene's Test for Equality of Variances		t-Test for Equality of Means				95% Confidence Interval of the Difference		
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Do you think that surrogacy has beneficial impacts on society	Equal variances assumed	.157	.693	1.311	93	.193	.2340	.1786	-1.206	.5887
	Equal variances not assumed			1.311	92.991	.193	.2340	.1786	-1.205	.5886

Group Statistics					
	Place of Residence	N	Mean	Std. Deviation	Std. Error Mean
Do you think that surrogacy has beneficial impacts on society	Urban Areas	47	2.234	.8651	.1262
	Semi-Urban Areas	49	2.000	.8752	.1263

INFERENCES: The Null Hypothesis is Accepted. There is no difference between the question of Do you think that surrogacy has beneficial impacts on society and their Place of Residence. So, there is no significant relationship between the two variables.

ONE-WAY ANOVA (FIG-8)

ONE-WAY ANOVA

ANOVA

The Surrogate mother must be given one share on son property

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	9.821	4	2.455	1.369	.246
Within Groups	351.463	196	1.793		
Total	361.284	200			

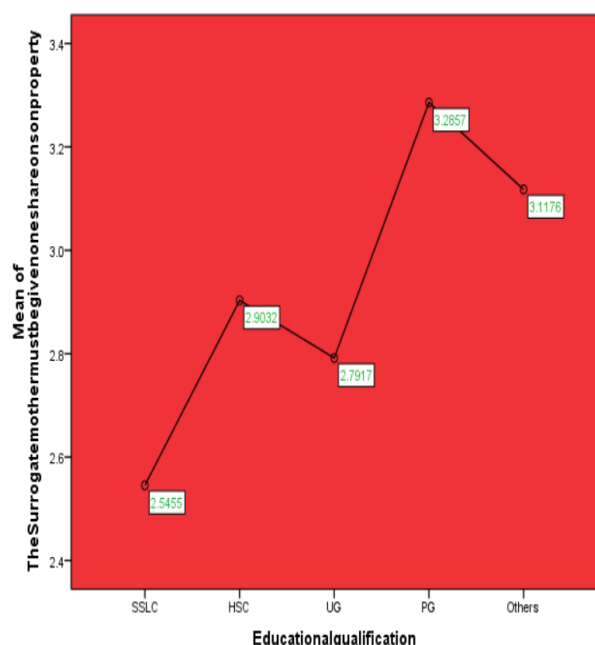
CORRELATIONS

Correlations

		Thereasonsfor surrogacytot akeanoptio tocouples	Occupation
Thereasonsfor surrogacytot akeanoptio tocouples	Pearson Correlation	1	-.034
	Sig. (2-tailed)		.636
	N	201	201
Occupation	Pearson Correlation	-.034	1
	Sig. (2-tailed)	.636	
	N	201	201

MEANS PLOT

MEANS PLOT



RESULTS

- 1) In **Fig 1**, From the Above Simple Bar Graph, We can understand that the male members have responded to the questionnaire in more numbers than Female and Transgender. Since, the % of the people who are males is 62.69%, Female is 31.34% and Transgender is 5.97% respectively.
- 2) In **Fig 2**, From the Above Simple Bar Graph, We can understand that people whose educational qualification is HSC have responded to the questionnaire in more numbers than the people whose educational qualification is SSLC, UG, PG and Others. Since, the % of people whose Educational Qualification is SSLC is 10.95%, HSC is 30.85%, UG is 23.88%, PG is 17.41% and Others is 16.92% respectively.
- 3) In **Fig 3**, From the Above Simple Bar Graph, We can understand that the people who are yet to be employed have responded to the questionnaire in more numbers than Private Sector, Public Sector, Self-Employed and Retired. Since, the % of the people who are having Private Sector as occupation is 23.38%, Public Sector as occupation is 23.88%, Yet to be Employed is 26.87%, Self-employed as occupation is 21.89% and retired is 3.98% respectively.
- 4) In **Fig 4**, From the Above Clustered Bar Graph, We can understand that many people have said the question of Do you

INFERENCES: The Null Hypothesis is Accepted. There is no difference between the question of whether the surrogate mother must be given one share over the property of children & their Educational Qualification. So, there is no significant relationship between the two variables.

CORRELATIONS (FIG-9)

think that Surrogacy has beneficial impacts on the society in relation to their respective Gender. The % of people who said yes to the question is that Male is 17.91%, Female is 11.44%, Transgender is 1.00% respectively. The % of people who said no to the question is that Male is 13.93%, Female is 8.96%, Transgender is 1.49% respectively. The % of people who said maybe to the question is that Male is 30.85%, Female is 10.95% and Transgender is 3.48% respectively.

- 5) In **Fig 5**, From the Above Clustered Bar Graph, We can understand that many people have said the Neutral opinion to the question of the Commercialization of surrogacy has increased a lot in these times in India in relation to their respective Educational Qualification. The % of people who Strongly Agree to the question is those whose Educational Qualification is SSLC is 1.99%, HSC is 5.99%, UG is 4.98%, PG is 5.00%, Others is 2.49% respectively. The % of people who agreed to the question is those whose Educational Qualification is SSLC is 2.00%, HSC is 3.85%, UG is 2.49%, PG is 2.49%, Others is 4.98% respectively. The % of people who said Neutral to the question is those whose Educational Qualification is SSLC is 4.06%, HSC is 12.44%, UG is 7.46%, PG is 2.49%, Others is 3.98% respectively. The % of people who said Disagree to the question is that people whose Educational Qualification is SSLC is 0.00%, HSC is 1.99%, UG is 3.96%, PG is 3.96%, Others is 2.49% respectively. The % of people who said Strongly Disagree to the question are those whose Educational Qualification is SSLC is 3.40%, HSC is 6.97%, UG is 4.98%, PG is 4.00% and others is 2.49% respectively.

- 6) In **Fig 6**, From the Above Clustered Bar Graph, We can understand that many people have said the Agree and Neutral in their opinion to the question of the Surrogate mother must be given one

share over the property of the children in relation to their Marital Status. The % of people who Strongly Agree to the question is those whose Marital Status is that people who are Unmarried is 3.98%, Married is 12.94% respectively. The % of people who said that Agree to the question is that of people whose Marital Status is that of people who are Unmarried is 9.45% , Married is 14.93% respectively. The % of people who said Neutral to the question is that people whose Marital Status is that people who are Unmarried is 4.98% , Married is 19.40% respectively. The % of people who said Disagree to the question is that people whose Marital Status is that of people who are Unmarried is 4.48% , Married is 11.94% respectively. The % of people who said Strongly Disagree to the question are those whose Marital Status is that people who are Unmarried is 3.48% and Married is 14.43% respectively.

- 7) In **Fig 7**, The Null Hypothesis is Accepted. There is no difference between the question of Do you think that surrogacy has beneficial impacts on society and their place of Residence. So, there is no significant relationship between the two variables.
- 8) In **Fig 8**, The Null Hypothesis is Accepted. There is no difference between the question of whether the surrogate mother must be given one share over the property of children & their Educational Qualification. So, there is no significant relationship between the two variables.

DISCUSSIONS

- 1) In **Fig 1**, The Male Members have responded more to the questionnaire than Female and Transgender. Because male members have more knowledge about everything. Since, it is presumed by society that male members are the superior gender who supports the family

& the country. So, there are no restrictions either by the family or by anyone on their progress to get top position by knowing everything around them. But it is not the same with women gender from older days till now there is a common presumption that they are only known to be named as housewives & doing household works. Their progress still happens in a restricted manner as the family itself imposes many conditions on their growth. That is the reason why women are not able to be in good and respectable positions especially in India & they are not able to know the current & trending things that are happening around them. But in Transgender case it is even worse as they are not even regarded as human beings by co human beings & society where they live. So, they are getting neglected everywhere & this act of people plays a vital role in making the transgender as less speakable on their achievements & also restricts them to do so.

- 2) In **Fig 2**, The people whose Educational Qualification is HSC have responded more to the questionnaire than others because nowadays the 12th standard students have more time apart from their studies. So, they are able to get a variety of knowledge about everything including surrogacy & they have the chance to know new things through their private schools & parents via discussions. But it is not the case with people whose Educational Qualification is SSLC since the 10th grade students are always under the pressure of Board Exams concept which automatically restricts them to learn more things outside their textbook as it is assumed by the parents that 10th grade marks are very vital in determining the stream and fate of students. It clearly makes them more determined in studies than

anything else. The people whose Educational Qualification is UG also responded a little less to the questionnaire than expected because the UG students are always busy with so much college related work, cultural, research & exams. There are many colleges who are trying to keep the students quite busy which prohibits them to be creative in other things other than studies. Especially current affairs are not known except for the law students & government exam students. The people whose Educational Qualification is PG is also responded little bit after the UG Students to the questionnaire because the PG students are usually studying in abroad countries like Australia and New Zealand where the students are free enough to know more things than in India but many students are always spend more time in enjoying with their friends at weekends than knowing the current affairs in their country as well as many students are working part time & they are studying. It reduces their ability to know the news and other things going around them. The people whose Educational Qualification falls under the category of others also suffer from a similar kind of situation.

- 3) In **Fig 3**, The people who are yet to be Employed have responded to the questionnaire more than other people under different categories. Since, the people who are yet to be employed have more time in knowing new things and news that is continuously happening around them and since, they always try to improve themselves in all fields for the purpose of getting medium or high paying jobs at well-known or good companies & ITs etc. But, people who are working in Private Sector Enterprises have some time to learn and understand about the legal knowledge regarding surrogacy or any other matter that is

going around the globe or within the state. Unfortunately, the people who are having their occupation in Government Sector Enterprises are said to have a constrained time limit to have some information and awareness about the topic and other related things due to work pressure in the office as well as because of family commitments. Surprisingly, The people who are Self-Employed have more time and space to get a finger-tip on everything including the surrogacy moving around them which is necessary for their business or any other work to go on. Updating is vital for those people who are self-employed to attain a higher position or a stable place in a particular field. The people who are retired from their occupation have ample time to know about surrogacy and other vital news happening around the country since it is a time pass for them apart from exercise. That is the reason why retired persons and people who are yet to be employed are regarded to be knowledgeable people existing in the country.

4) In **Fig 4**, Many people have said maybe to the question in more numbers as compared to other opinions available. This is because many people are not yet so sure about surrogacy and its positive impacts on society due to less information, understanding & knowledge prevailing among the people regarding the topic. The people who said yes are assumed to have a better picture regarding the concept of surrogacy & its pros and cons in society. Since, they may be educated well to acquire information on surrogacy and its related things. The people who said no to the question might have zero knowledge or maybe with a little knowledge about surrogacy which is not enough to understand its

importance and drawbacks in the society.

- 5) In **Fig 5**, Many people have neutral opinion to the question in more numbers as compared to other options existing. This is because many people carry neutral opinions in relation to the question of the commercialization of surrogacy has increased a lot in india. Since, many people may or may not have good knowledge, understanding about commercialization of surrogacy as it is performed behind the screen of the Government who is working towards to abolish the same. As it is not a well-assured and well-spreaded information within the society as compared to other people's opinion regarding the concept.
- 6) In **Fig 6**, Many people have said Agree and neutral options as their opinions to the question. Since, it is a bitter news that the surrogate mothers are not given any rights including a right or a share over the property of the children. It is actually wrong as they give birth on behalf of the commissioning parents for which money is paid. Due to payment of money, the relationship of surrogate mother and the child gets over but not the love and affection towards the child. So, the commissioning parents have to give one share over the child's property out of kind gesture and compassion. people have also responded with Neutral opinion regarding the question as they say it might or not be given to the surrogate. Even many people also put forward the disagree and strongly disagree option as their opinions because from their point of view, they say that Surrogate mother has no job or rights over the child except childbirth. This is a rude and harsh call on surrogate mothers.
- 7) In **Fig 7**, The Null Hypothesis is Accepted. There is no difference between the

question of Do you think that surrogacy has beneficial impacts on the society and their Place of Residence. So, there is no significant relationship between the two variables.

- 8) In **Fig 8**, The Null Hypothesis is Accepted. There is no difference between the question of whether the surrogate mother must be given one share over the property of the children & their Educational Qualification. So, there is no significant relationship between the two variables.

LIMITATIONS

One of the Limitations of this survey is its size of 200 responses which are not enough to draw conclusions for the entire population of 1,30 Crores in our country & for any other country. Since, their total population count differs drastically & in that survey 50% of our population are of young and middle aged people which makes it even more difficult for the researcher for Extrapolation.

CONCLUSIONS

As a Conclusion, the survey was conducted to find out how many people are aware of legal perspectives on commercialization of surrogacy in India. The people especially the students & working class people should be taught about the existence of surrogacy and its commercialization in the country by the central & state governments via various awareness programmes & Educational programmes. Even though various bills & acts passed on this matter by the government, these seem to have a minimal effect over its commercial misuse. Surrogacy is a good tool for couples who do not have children & also leaves an opportunity to make those couples proud parents in front of the society but it should not be done on commercial lines. Due to Commercialization, many clinics take a huge advantage over the process of surrogacy & earn money by hiding the real truth & facts to a great extent. So, it is the primary duty of citizens & nations to

understand the situation happening over surrogacy & enact more stricter laws over commercialization & laws also have to be passed to safeguard the surrogate mothers from exploitation & to avoid the tag of baby industry as it was called earlier in future point of time.

SUGGESTIONS

There are only a few notable laws against the commercialization of surrogacy in India. The knowledge of surrogacy & its commercialization remains only with a limited number of people that are well-educated & scholars in the entire country but on other hand many middle class or poor people of the country have minimal or no idea about these concepts which is new in itself. The Government should come up with some more laws & policies, even various schemes to safeguard the surrogate mothers who are being consistently troubled by this concept as they are excluded from various rights over the child except the childbirth. The fertility hospitals & clinics should be regularly monitored & strictly controlled to reduce the commercialization through various methods including surrogacy as they always indulge in buying & selling of human embryos & gametes. The laws on surrogacy should be expanded by including the rights, liabilities of the surrogate mother to make them motivated to provide the social service in the form of babies to couples who are not able to create their own. So, that the needs of all can be satisfied in a coordinated manner. Many more strategies & programmes are to be introduced by both the central & state governments of our country to accomplish that desired & much important goal in a quicker period of time.

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