CHAPTER – IX

SUMMARY
CHAPTER NO. IX

SUMMARY

If the biological and commissioning couple is not physically, mentally and financially fit parents then there are chances that the child can be harmed. Only the desire or the great wish for spending significant money on to fulfilling a dream to bring up the children cannot be full fledged guarantee of good parenthood. Addition to it there is possibility that the intended and biological parent may even reject the child, but then even for the adopted or ordinary reproduction based child does have the same possibilities.

Even with base of more satisfying financial and economical settings in exchange of the surrogate child, surrogate motherhood there have arisen many obstacles on ethical, philosophical and social issues. While at the priority levels, the Surrogacy treatments have made the surrogate baby child a ‘saleable commodity’. This do fall with the serious complications about the legal rights of the lady or the surrogate mother and correspondingly the baby child born through surrogacy in connection directly with the parents commissioning the process or the so-called biological parents, they possess. On the laws and the legalities concerning the surrogacy, there are no as such provisions to handle the issues with safety of the interest carried by lady surrogating the child, then child itself or parents commissioning the activity especially in India. Giving this issue a commercial look over or the business orientation has many complications and orthodox traditions.

There we find the research workings on surrogacy do have problems to face especially for the Government agencies. This is when the process comes for initiating the legal provisions and also while taking substantive action against guilty found with this matter. There are many questions in relation with the surrogacy that are totally unanswered.

Sometimes it is difficult and problematic for women to have natural pregnancy to be conceived. Among them some are already have passed their healthy time for reproductive and fertility session. But these women do possess a wish to have a particular child. So for doing the same, many of them go in search of the developed high-tech, low cost help from different developing nations. India is one among them. Or sometimes they approach nations that are relatively poor and under developed Eastern European countries like Russia or Hungary.
From the past decades, India, a developing nation had seen an outburst in the fertility services through surrogacy. With the promises and cure for the allegedly increasing rates of surrogacy and infertility by Assisted Reproductive Technologies (ARTs) and corresponding clinics.

‘Fertility industry’, defined as a cluster of technologies and development that supports through the naturally defined term of about 9 months right from the conception to conceiving the whole pregnancy. India, the nation with the large growth in the medical’s commercial market, can be converted into the medical tourism industry, at the end is this fertility industry can be stated as an integral and most important part to it.

Earlier there were many barriers and limitations over the parenthood through the surrogacy but now as there we find the great developments in the market of the sciences in relation with reproduction and parallel to it are the medical industry. This has totally demolished the obstacles for the enjoyment of parenthood and its pleasures; this session is absolutely carrying no any disturbances. Surrogacy treatment, while analyzing through the past few years, we find the drastic change with the evolvement as a much favored and well-known mode for exposing a surrogate child to this beautiful world. The meticulous go up and the respective increase has seen mostly by India into the surrogacy arrangement. This is becoming the most feasible and easily available methods for the parents with no child/children to enjoy the parenthood and its happiness.

India, partially an orthodox country, here the surrogacy treatment, the topic remains a very sensitive and an emotional one. The India laws meant for surrogacy are still carrying a kind of silence and there are many fill in blanks to be filled with proper works. The comments passed on this topic, they say, the topic are stuck with different legislative levels.

For the marketing structure of this fertility industry, there are noteworthy numbers of the websites on the internet. The material uploaded is generally aimed to magnetize the customer from domestic market and an international market too. Surfing through few websites, it blogs about an exclusive interviews with couples from other nations. Professionally designed touring packages were also the part of this marketing. These packages were included with different incentives, discounts and deals as per the provision of the services required. It had an addition of
food, stay and other basic necessities. Finally the packages were claiming about the great success of the ARTs and relative arrangements for surrogacy. In recent times relating to these packages there are many established and well set hotels that are increasing speedily because of the assurance of the survey mentioning about the surrogates with sincere follow up of the prescription given for better care.

When we think about the similarity in the laws made for surrogacy at the national and international levels then we find that there is harmonization or similarity with it. It differs with nation to nation, some countries have total ban on surrogacy, some have limitations or restrictions and some have a legal permission.

Into the practice of the surrogacy, so called developed and the industrialized nations have a rejection to surrogacy? And they do have great restrictions on the practice of surrogate parenting. Surrogacy at an international market with a great growth might have impact of the International treaty and organizations in the way they are handling the surrogacy treatments especially over the crossed border intended parent/parents in search of the surrogate.

The statistical survey mentioned and the relative comments through the articles published in the literature on commercial surrogacy does have reflections and has also shown the best path of the nature about the dedicated request for the research study about surrogacy. Helping then, the concern person for sharpening the concentration towards the investigated aims set in the ways suitable and more comfortable. The innovations into the technological base of the medical industry had made it easy to challenge the related biology and kinship with its respective categories. The framework contains more about, numerous description have been given about the surrogacy. This totally is a responsibility of the one who is potentially capable with the required powers that can help in establishing the legality with the specific description. The circumstance about the natural aspect of an idea and on the theoretical basis the biology and parenthood is now being given a serious look over as a challenge even. Progress of the stated definitions that are being actively assigned to form relationships is also now has a challenging facts. The interests are totally followed by a specific operation when thinking particularly over the case of commercial surrogacy arrangement. All types of surrogacy treatments have exacting power configurations to make the settings successful. The basic motive is to disclose and liberate these power configurations and to identify those who are marginalized or clarifies by them. In addition
to this, the practice has to face the obstacles turning into challenges with some institutions referring patriarchy and concern practices. We can definitely see that this so-called industry is on the way to great flourish.

Study termed technically as the Anthropology in relation with the surrogacy and the surrogate lady is stating about the concern surrogates needs to get engaged in several distancing techniques throughout her surrogate pregnancy. This then gives assurance about they are not getting emotionally attached with the baby they are conceiving. From the enlisted surrogates most of them purposely attempt to promote the growth of emotionality has a connection within the mother who is an intended parent and child born through surrogacy.

Agency is the major factors who try to inspire surrogates in getting not connected with the characterized emotions of the woman with the baby child in her womb before the deliver. The expected favorites in relation with the surrogacy like having a child with themselves gets painful while handling the same to the intended parent/parents. The experience of carrying the baby automatically generates the emotions.

Mostly the surrogates answer by showing their satisfaction about the experience for being a surrogate. But actually this is not the fact. There are many cases on board where the surrogates do not declare about they are not satisfied with the progress. Few of the women surrogating the baby child do not experience practically the needed emotional attachment with both the intended parent and the surrogate child they are carrying.

There is absolutely no easy understanding with the law relating to surrogacy treatments and adjustment. Many of the nations have a total ban on the surrogacy, with this factor; an arrangement with an international level of element is likely to be complicated. This is not only by the highly localized nature of the legislation and rules relating to surrogacy. At the first step it is with the inclusion with its criminal sector with the effect of judicial legislation about other methods of artificial conception because these artificial conception are usually designed in a manner to award the parentage growth. This is done by following the way that is completely incompatible with the intentions of a surrogacy arrangement.

The tremendous desire for having a child is a very basic and personal interest of the human race and religion. It is sorrowful because of the pleasure to enjoy parenthood and
motherhood and fatherhood is fully denied in this case. This is due to many reasons like biological, physical or otherwise. The innovative and with the great speed the development into the medical sciences can easily cross the obstacles that were faced in the earlier proceedings of the surrogacy for joyous parenthood. This is no more a barrier as it used to. Now the surrogacy treatment has evolved to a stage that is safe and secured in bringing the child to show this beautiful world especially for the childless couples who cannot biologically or physically afford it otherwise. We find the huge rise in the recourse for surrogacy. This surrogacy is now of course one of the ideal and most developed methods technically set especially for the couple without child but do want experience the parenthood and its happiness.

There is lot of complexion, diversification and an unsettlement into the legal and social aspect revolving through the surrogacy. This is as per the recent changes found into the expected laws to be made. Into many nations through the world, the woman delivering baby with all naturalists process is said to the legal mother of the baby child whether it is handed to the intended parent or not. Number of nations, even we can count them, for the same, the case is very differently handled. The Intended Parents demanded and gone through the process of surrogacy for having the child are said to parents on the legal terms right from the time the child gets delivered. This is totally on the basis of the modern thought that the lady passing through the surrogacy arrangement had legally signed an agreement about handling the baby child to the parents commissioning her for the same.

Mentioned below are some suggestions and proposition that should be a part in making the special legislative enactments for the laws related to surrogacy.

i. The surrogacy arrangement must be provided with the financial support to the child born through surrogacy, in case the intended commissioning couple is no more before the surrogate child gets delivered or there take place the separation between the commissioning and intended and the biological parents through divorce or any other means. This shall help child in avoiding the injustice.

ii. Practice Code for the concern contract mentioning about all the methods and resources of the surrogacy arrangement made available for the research done at registered clinics and advances.
iii. The transfer of all the necessary information must be given to the patient at a very initial phase of the process like during the documentation itself. Without the written consent from the concern persons no any treatment should be given for surrogacy.

iv. Intended parent/parents and the surrogates are seeking to register the treatment that is to be given for the suitable in all sources and they should all have to go through counseling needed for the different suggestion for the arrangement of the surrogacy.

v. Gender-selection and its determination of surrogacy treatment should strictly be prohibited, and during the abortions of the babies, they should properly be implemented through the developed Medical Termination of Pregnancy Act 1971.

vi. India should bind itself with the strict and definite laws for surrogacy arrangements

vii. International and national Commercial surrogacy arrangements should be prohibited.

viii. There should be considerable and firm rules to be designed in sake of the safety and the security of the child born with the surrogacy treatment and so also to be recognized legally when annihilating and transferring the mentioned rights for the parents.

ix. The rights given to the child born through surrogacy must have the necessary protection. Sometimes it may so happen that the surrogate child is not accepted by the parents intending for the child and for which they are even commissioning the concern surrogate lady. In such condition the born child should be given the citizenship of India. Insurance especially for the health of the child is one more important factor needed by the surrogate mother and the surrogate child. It will give both the safety for their healthy life.

x. We are very well aware that the ICMR guidelines are not enough for the surrogacy so it is must to have the base with full strength supported with legal terms to the child and the mother gone through the surrogacy.

xi. Disciplined healthy and a strict debate and discussion of the stance is required for the issue.

The need of ours is the legislation, and it should not be silent on the concept of surrogacy law. Special laws should make for tackle the problem of commercial surrogacy arrangements. Then only rights of surrogates and surrogate child would be protected. Increasing international
surrogacy is being the cultured and ethical face and influence of India. In order to achieve the pleasance and delicacy in surrogacy, international surrogacy arrangement should be prohibited.

Woman is not only the baby born factory she also has some feelings. The selling of womb is not the duty of the motherhood. It will totally change the definition of the parenthood. Commercialization of surrogacy should be stopped and dissuaded. However, there should be proper monitoring and observation of existing and presenting surrogacy system through concrete legislation. It is crucially and basically total important to maintain and monitor the anonymity of the surrogate mothers.

Finally, only the legislation and also the awareness of the people could comes to over the issues arising out of surrogacy arrangements and adjustment. The emphasis should take by the legislation and law by imposing strict laws for surrogacy arrangements in India.

**SCOPE OF THE STUDY**

Researcher had gone through from the definition, types of the surrogacy arrangements etc. Researcher also studied the various issues relating to surrogacy arrangements e.g. ethical, social, emotional, psychological etc. From the empirical studies researcher also tried to find out the need of special legislative enactment for surrogacy in India. The study of laws of various countries in India as well as all other countries in the universe shows the variety of laws for surrogacy.

Especially commercial surrogacy is the biggest problem in front of India today. The all issues are arising because of the legalizing the commercial surrogacy arrangement. Researcher studied various aspects of it.

The future planning or dream of researcher is, if get a chance to the researcher, will like to make spot visits to the various surrogacy centers in India and out of India also. The foreign countries are more helpful and coordinate for the interviews and research. So, researcher wanted to make further deep study and spot visits to the various surrogacy centers in the world.

*******