The Test Tube Baby (in short TTB) is the result of a recent technology developed by the experts of medical science in the history of mankind. It is, indeed, an outstanding achievement and feat of scholarly works of medical professionals engaged in this field. The long felt need of helpless spouses coveting for a baby has duly been fulfilled. The impossible task has been turned into possible reality. It is a sigh of relief and a boon to the needy spouses in particular and to the society in general.

However, viewing this feat from the legal angle, it sounds pretty well so long this boon remains a boon and does not pave its way to become a vice to create a havoc in the society especially in India. How and why, are pertinent questions. But before answering these queries, it is essential to know as to how this boon shall remain a boon.

It shall remain a boon if the spouses; who choose to beget TTB, remain fully devoted to lead their married life, after begetting TTB, as usual without changing the matrimonial status in any manner whatsoever. It shall become a vice if the matrimonial status of the spouses changes due to misunderstandings or diversities in their thoughts, attitude or conduct leading them to the point of no return and finally ending the marriage in divorce or separation, legally or otherwise. Hence unless adequately protected and safeguarded, this boon of gainful venture is likely to face forcible conversion into a vice of painful juncture creating havoc all around. Infact any modern welfare state, especially India, can hardly afford to allow this
to flourish in view of well established supremacy of the Rule of law, Equality before law and Equal protection of law.

The risk thus involved has the tendency to invite serious danger to the legal status of TTB. In deed, the status of TTB is likely to be affected and lost amidst the far reaching consequences owing to legal implications and complications, which are apprehended to be of more complex oriented nature, especially in India, if the TTB is the outcome of donated sperm, eggs, or embryos or under the surrogacy arrangement. The question of biological origin and right of TTB to know about his or her paternity as well as to inherit, succeed and get his or her share in the ancestral property will be the main problems irrespective of the patrimony being a patriarchal or matriarchal. The share of TTB in such property by succession or any other ways or prevailing customs will further render the task difficult. To decide the citizenship or domicile of TTB, will still be another problem. The possibility of begetting a TTB by the single woman or man with the help of surrogate mother can also not be ruled out. In that case the TTB shall be deprived of the love and affection, care and protection of either the father or the mother, which is not justifiable. The procedural latches will affect the health of the people. There is apprehension of spreading the sexually transmitted diseases like AIDS; if the fresh semen, without proper medical check-up, is used for procreating TTB. There are also chances for manipulations in maintaining the records and misuse of the technique of procreating TTB by sex selection, cloning etc. The maintenance of TTB will also be at stake, for the male spouse whose sperm are not utilised for insemination and fertilisation-cum-birth of TTB in India, in the absence of any enactment or law relating to TTB, might stoutly deny and refuse to accept the TTB as his own child and say, 'The TTB is not mine and I am not bound to maintain or subscribe any share of my
property to 'TTB'.

The TTBs so discarded, neglected and refused or denied of the recognition of paternity; shall obviously, be deprived of their share in the property of such spouses rendering them helpless for want of maintenance. Thus situated, the male TTBs shall have no alternative except to find themselves out in the streets, either to become helpless beggars or hardcore criminals and the female TTBs to become helpless beggars or indulge in immoral activities of human flesh trading. Under both sets of circumstances, the government shall be compelled to face serious problems to take appropriate steps in order to rehabilitate them or tackle the criminals so as to maintain law and order situation to ensure peace and tranquillity in a modern welfare state, especially in India. Further, apprehension of exploitation, theft and smuggling of surrogate mothers, sperm, eggs and embryos can also not be ruled out. This will again be the burden of government to deal with. The expenditure incurred by the government in respect thereto shall have to be collected by way of additional taxes from the law abiding citizens. Next, as we know that the marriage is void ab-initio if the spouses are within the degrees of prohibited relationship, but in case of donor insemination i.e. TTB procured through donated sperm, the sperm donor being unknown the TTB may be the outcome of the sperm within prohibited degree of relationships. The traditional approach of Indian society shall also pose hindrances in the marriage of TTB. The naturally born baby (in short NBB) is likely to avoid marriage with TTB. Then the TTBs shall have to search their spouses within TTBs. This will divide the society into two groups. Thus there is every likelihood of creation of a society totally unheard of. The very basic structure of the society will change. The overall impact of these problems is likely to affect the very basic structure and fabric of Indian society apart from destructing the very foundation
of the matrimonial relations of the lawfully wedded couple. The whole gamut of such circumstances shall pave ways for socio-economic crimes of various dimensions and serious nature. The government shall have additional burden to control such crimes. Thus it has far reaching consequences of affecting every member of society and this is how and why the so welcomed boon might turn into vice and when so turned shall create havoc in the society in general, and to the TTBs and the spouses in particular.

The present study makes an attempt to investigate, analyse and count for these innumerable problems and suggest some solution in order to control the situation so as to maintain peace and harmony in the society in a modern welfare state, especially in India. Endeavour has been made to locate the origin and genesis of these problems, their development and far reaching consequences and to provide checks and balances so as to overcome the difficulties and save the social structure with desirable and stable harmony as well as healthy growth of society in general and matrimonial peace of the individual couple in particular.

With a view to achieve the goal as set-forth above, this study has been taken up. In this analytical study, the informations have been collected mostly from the doctors engaged in the field of producing TTBs in India during my personal visits to their clinics/institutions/ hospitals and having personal interviews and discussions with them; also by way of obtaining opinions of various people in India, including some people belonging to Khasi community in Shillong and through questionnaire from the doctors and legal professionals both at the bar and the bench. It may be admitted that the literature in this field being not readily available in India the data have been collected mostly from the primary sources from the other countries particularly 'The Warnock Report' of U.K. and from the guidelines provided by the
Committee of American Fertility Society; the resolutions and directions of European Parliament and other international meetings, conferences, workshops and seminars as well as the literature published in the International Digest of Health Legislation, the Readers' Guide to periodical literature. Also some articles published in magazines, newspapers and weeklies in India have provided substantial help to conclude this study.

For the above purpose, this study has been divided into two parts; i.e. Part-I and Part-II.

Part-I deals with the concept of TTB and Part-II deals with the legal implications and status of TTB.

Part-I contains seven chapters. Chapter-1 contains introduction showing how the new technique of medical science has been a welcoming gesture all over the world; simultaneously growing anxieties, worries and concern owing to the legal implications and social complications leading many countries to make enactments, to control the impending danger arising out of those implications or complications; and then it contains background showing the human beings as the creation of Nature with or without genetic capability (i.e. fertile and infertile) and that how the infertility has contributed for the invention of new technique to procreate TTB. Thus, in chapter-2, the meaning, types, causes and factors of infertility are discussed. Chapter-3 deals with the individual and social impact of infertility. Chapter-4 deals with the meaning and process of begetting NBB. Chapter-5 is devoted to explain the meaning, modes and methods of begetting TTB. Chapter-6 deals with the genesis, growth and latest development of TTB in the world as well as in India. And in chapter-7, efforts have been made to provide distinction between the NBB and the TTB.
Part-II contains eight chapters. Chapter-1 relates to brief discussion about the legal implications and status of TTB. Chapter-2 deals with the origin and scope of legal implications and status of TTB showing that the origin lies in the involvement of third party for begetting TTB, the number of which goes up to even six comprising of both males and females; the involvement of male is in the form of sperm donor and that of the female as egg donor, embryo donor or surrogate mother. Chapter-3 contains elaborate discussion on the legal implications of TTB in a modern welfare state with special reference to India when TTB is the result of third party participation. It deals with the legal implications of TTB in the field of traditional heritage, inheritance and succession; in matrimonial ties; in prohibited degree of relationships for marriage, pindas and sapindas, customs, norms and rituals; in physical, psychological and emotional tics; in socio-economic crimes; in religion; in respect of rights, duties and liabilities of recipient parents, donors and surrogate mothers; in respect of rights, claims and duties of TTB and the physicians/ doctors and their staffs; in respect of ethics, morality, psychology and social impact; in respect of individual liberty and right to beget TTB by single person male or female, in respect of implications of international dimensions arising out of import and export of sperm, eggs, embryos and surrogate mothers, thereby posing problems relating to nationality, citizenship and domicile; in case of abortions or miscarriage of pregnancy undertaken by surrogate mother; in case of health, injury, contractual breakdown and compensation to the victims; and legal implications leading to multiplicity of litigations. In chapter-4, Procedural implications and complications for begetting TTB have been discussed showing how the institutions dealing in the field of TTB are functioning in India and what problems are likely to arise in India as already have arisen in some other countries and measures taken by them to control the same; and that how it can be controlled or avoided in India. Chapter-5 contains the
discussion on the TTBs current affairs and future complications in India; showing the attitudes of infertile couples, social pressure, dilemma and desire to beget TTB and to fulfil the same; how the infertile couple in India runs from pillar to post, ready to do anything and to go to any length even chanting of mantras and involvement of third party through 'donor insemination' (in short DI) regarding which experience and stories of some couples begetting TTB in India are narrated; how the DI is being done in India, how many sperm banks are there and what is their process of functioning in India has been discussed; how the medical science for begetting TTB has been misused in India by sex selection producing only TTB boys has been explained; the craze of baby boomers and commercialisation of IVF clinics in India and the role of the press and the media neglecting to highlight the legal implications and social complications have also been discussed together with the views of some doctors for and against sex selection posing conflict of thoughts, while giving background of DI and surrogacy the existing complications and legal checks adopted in the world around have been discussed at length showing how complicated problems are likely to arise in India, keeping in view the attitude and social set-up in the back drop of old age traditions, norms and customs prevailing in India in every community, in consideration whereof the system of DI and surrogacy for begetting TTB does not seem to be congenial for healthy growth of society and social harmony in India and to avoid the same solution has been suggested and proposed. In chapter-7 conflict between human genetic engineering research and heritage has been explained with the help of views of some experts all over the world expressed in various international workshop, meetings, conferences, seminars held from time to time showing deep concern about the present trend of research in the field of human genetic engineering wherein some of the scientist have gone to the extent of cloning the human embryos; apprehending the dangers
of misuse of scientific experimentation, the cloning of human embryos has been condemned by the European Parliament on 22nd November 1993, in particular while many other organisations and international opinions and resolutions have given guidelines and directions in order to control social dangers and to preserve the human dignity and heritage wherein the emphasis has been laid to impose self restrains and to maintain professional ethics. Chapter-8 contains conclusion of this study with suggestive approach to deal with the situation and avert the impending danger of begetting TTB with the help of third party participation for which some suggestions have been proposed.