



## Short Communication

# Surrogacy: Womb for Rent

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## Abstract

Many people condemn surrogacy because they believe it encourages the concept of baby selling and exploiting women. Similar disparagement has appeared in the mass media. The medical profession considers non-commercial surrogacy as more acceptable because of the absence of monetary exchange. The difference between commercial or moneymaking and altruistic surrogacy is generally created rather than based on self-evident or intrinsic differences. Both forms of surrogacy involve the application of invasive gender standards specifying that women's motivations to have children should be based on sentiment, unselfishness, and caring, not on self-interest, monetary incentives. The paper focuses on the acceptance of surrogacy and exploitation in the name of surrogacy.

**Keywords:** Condemn surrogacy, baby selling, exploiting women, medical profession, non-commercial, gender standards, unselfishness.

## Introduction

“Surrogacy” once again shines and gains significance in India ever since Aamir Khan and Kiran Rao reveal news about their surrogate baby. Infertility affect 10% of the population in India and still we do not have an accurate law to regulate surrogacy. Women who have less chances of bearing a child even after taking the In-vitro fertility i.e IVF treatment usually select surrogacy as this plays an alternative for the intended parent/s to have their own child<sup>1</sup>. There has always been a curiosity about this method of having a child with one famous question mark about the expenses intended parent/s have to shell out. Surrogacy is a treatment that proves to be a miracle for many women who are unable to bear children. It is also a practical help for many economically deprived women. Surrogacy usually is an option for women who have a weak womb or infection in the womb, which makes is impossible for them to carry babies.

Surrogate mothers are paid a monthly salary of Rs 4,000 and around Rs 2 lakh post delivery. They also get insurance cover for 10 to 11 months. The total process is done through a lawful agreement with the surrogate mother's consent in writing. Though commercial surrogacy surrounds itself with many controversies, in India, surrogacy has boomed since the Supreme Court has legalized the practice in 2002. However, there still remains a major block as the commercialisation of surrogacy have created gap for unethical medical practices and exploitation of intended parent/s and surrogate mothers. Surrogacy is a blessing but many have misused it<sup>2</sup>. It is very essential to complete important legal requirements, which includes a surrogate to have complete knowledge about the procedure of surrogacy, the contract that will bind her and the intended parent/s.

## Preference for surrogacy in india

In India the main magnetism of surrogacy is the cost. Many foreign countries are suffering from infertility due to many reasons including their lifestyle, smoking, drinking habits, multiple partners, stress, excess consumption of non-vegetarian and many more. Intended parent/s from western countries prefer Indian surrogates, as the cost is low and the procedure is taken care by the modern health care facilities. Also, the legal formalities are comparatively less in India. There are many intended parent/s who want to come to India for surrogacy but are afraid, as there is an absence of proper surrogacy law. This results in great loss to India and its economy. India being a conservative country where values and ethics prevail higher than human life, has not accepted the surrogacy culture. Though it is a developing country, yet many consider a shame for couples that are unable to have their own child and on the other hand women who rent their womb for surrogacy are looked down upon. Even though commercial surrogacy is legalized in India, it is still not been accepted socially. Many conservative Indians do not realize that surrogacy is not just an aid to the Indian economy, but a support for those who live a low standard life. Where surrogacy proves to be a blessing for some it also intends to be a curse for few others. Surrogacy has also turned to “Fertility Tourism” or “Reproductive Tourism” in India. Fertility tourism is part of medical tourism. Reproductive tourism in India is now a half-a-billion-dollar-a-year industry, with surrogacy services offered in 350 clinics across the country since it was legalized in 2002.

## Law on surrogacy

A draft bill was brought into picture to limit the age of surrogate mothers to 35 years and maximum 5 pregnancies including their

own children. The bill also made medical insurance mandatory. At the same time, the Indian government should carry out the legal requirements that ensure a women rendering her womb has complete knowledge about the procedure, understands the contracts well, and knows what her body will be going through<sup>3</sup>.

“Reproductive tourism” has become the latest mantra of the agents to magnetize foreign tourists. Such agents who earn a substantial amount from intended parent/s and the surrogate mother exploit the low cost surrogate services<sup>4</sup>. The intended parent/s usually compare the cost in their country with that in India and are ready to pay any amount because the comparative cost is much less in India<sup>5</sup>.

### **Conclusion**

Though many movements have been taken up against the commoditization of motherhood but this practice survives throughout. The group of supporters of such practices adopts all kinds of unjust means to suppress the voices against their malpractice and exploit the poor people. Their deeds are fuelled by not so confined government regulations and sheer ignorance of poor people. Coming back to the law, there are many loopholes in the laws of our country, which need to be resolved to solve the issue of commercial surrogacy. Hence, women

renting their womb have become a successful commercial surrogacy. It is shameful that the rights of women and children are betrayed for monetary gains. This indirectly leaves many unsolved problems in the society, which are least, looked upon by the government.

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