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SURROGACY REGULATION BILL

INTRODUCTION:

Surrogacy Regulation Bill which was introduced on November 21, 2016 in the Lok Sabha. Bill forbids commercial surrogacy and controls selfless surrogacy. We provide a quick synopsis of the Bill along with some potential considerations. A rising health issue that affects both men and women is infertility. Numerous factors, including age, genetics, lifestyle, and environmental influences, might contribute to it. To enable people to become parents, other means of reproduction are required due to the rising frequency of infertility. Thanks to advances in artificial reproductive methods, surrogacy has become a feasible option. Apart from infertility, surrogacy has become more acceptable due to shifts in societal standards. Parenthood is no longer exclusive to the heterosexual community in today's progressive society, where both men and women acknowledge infertility as a medical condition. Thanks to developments in artificial reproductive techniques, individuals of any gender can now become parents, and surrogacy is now a feasible option. To safeguard the interests of all parties involved in surrogacy agreements and to stop exploitation and unethical behavior, the Surrogacy Regulation Bill aims to provide a legislative framework. It seeks to ensure openness, responsibility, and moral behavior in the surrogacy industry in India by striking a balance between the rights of the intended parents, the surrogate mother, and the child born via surrogacy.

CASE: Baby Manji Yamada v. Union Of India And Another

FACTS OF THE CASE: In 2008, Ikufumi and Yuki Yamada, a Japanese couple, asked an Indian woman called Pritam Tamang to act as their surrogate mother. Through in-vitro fertilization, Pritam Tamang became pregnant with their kid, thanks to the surrogacy agreement the couple had signed in India. But the Yamadas' marriage soured, leading to their divorce prior to the baby's birth. Because neither of the intended parents was willing to take custody, Baby

Manji Yamada was placed in legal limbo. Since India did not provide citizenship to children born through surrogacy to foreign parents, and Japan did not recognize surrogacy agreements, the infant was essentially stateless. The Supreme Court of India was consulted in the case in order to determine the child's citizenship status as well as the parties' respective legal rights and responsibilities. The court had to deal with a number of complicated matters, including the child's nationality, parental rights, and Indian surrogacy laws. In the end, the court ordered the Indian government to provide Baby Manji with travel documentation and permitted the infant to be brought to Japan in order to apply for Japanese citizenship. In order to safeguard the interests of all parties concerned, the court further demanded that a regulatory framework for surrogacy in India be established. The Baby Manji Yamada case made clear how important it is to have comprehensive laws that both control surrogacy and safeguard the rights of kids born via surrogacy agreements. It brought up significant issues regarding the legal difficulties associated with surrogacy and the obligations of states to manage cases of this nature.

JUDGEMENT OF THE CASE:

As the writ petition was being dismissed, "the Supreme Court held" that:

- In the case that the petitioner was in violation of "the Central Government's order," they were entitled to any legal remedy, including a passport, visa, or freedom of travel. It was claimed that in order to defend children's rights and hasten the prosecution of crimes against children, "the Commission for the Protection of Child Rights Act of 2005" was established. Should a determination be necessary in this instance, the Commission ought to make it.

It is unnecessary to discuss respondent three's locus standi or whether there was any bona fide involvement. Prior to the Baby Manji case, the Supreme Court had not received any petitions of this kind. The injunction requiring her to appear before the court was therefore void.

It was suggested that those with grievances should present them to the Commission that was formed by the Act. The need for the commission to consider a number of crucial topics were emphasized.

CONCLUSION:

In India, the practice of commercial surrogacy, also known as "wombs for rent," is still very much in demand. It has been dubbed "parenthood by proxy" or the "baby boom practice" by its detractors. The political discourse opposing surrogacy has historically encompassed discussions of feminist and religious concerns.

When the Indian Supreme Court decided "Baby Manji Yamada v. Union of India and Others" in 2008, it was the first surrogate ruling ever. It was created under the supposition that surrogacy agreements were legal and exclusively addressed their legality. The decision's basic shortcomings included its failure to perform a comprehensive analysis of the surrogate agreement and the events leading up to the case.