



Ayana Legal

THE BUZZ

Vol 02-03

Monthly Newsletter By Team Ayana Legal

A Fact, in fact

- International Women's Day was first celebrated by the United Nations in 1975
- The Theme for International Women's Day 2022 is "Gender equality today for a sustainable tomorrow."
- This year's campaign is represented by the hashtag #BreakTheBias
- International Women's Day is recognized as an official holiday across various countries such as Armenia, Azerbaijan, Nepal, Cambodia, Laos, Mongolia etc.
- Countries such as Serbia, Albania, Uzbekistan celebrate International Women's Day and Mother's Day together.
- The month of March was declared as Women's History Month in the United States in 2011 by former President Barack Obama.

8th March - International Women's Day

Surrogacy & Assisted Reproductive Technology

In the spirit of International Women's Day celebrated on 8th March every year, this month we shed some light on laws relating to women's rights. The right of women over their bodily autonomy is something that has always sparked much debate. This issue of 'The Buzz' takes a peek into the laws relating to surrogacy and assisted reproductive technology.

The Surrogacy (Regulation) Act, 2021

This objective of this statute was to regulate the practice and process of surrogacy. The Act defines two types of surrogacy:

- altruistic surrogacy (except the medical expenses no charges, expenses, fees, remuneration or monetary incentive of whatever nature are given to the surrogate mother) and,
- commercial surrogacy (including selling or buying of human embryo and buying or trading the services of surrogate motherhood)

As per the Act no surrogacy clinic, unless registered under this Act, shall conduct activities relating to surrogacy and surrogacy procedures. Further, the written informed consent of the surrogate mother is essential before conducting such procedure.

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A Penny for your thoughts?

"Oh, we want a new breed of men before India can be cleansed of her disease."

- Sarojini Naidu

"I do not wish women to have power over men, but over themselves."

- Mary Shelly

"There never will be complete equality until women themselves help to make laws and elect lawmakers"

- Susan B. Antony

"If society will not admit of women's free development, then society must be remodelled."

- Elizabeth Blackwell

"I recognize no rights but human rights - I know nothing of men's rights and women's rights."

- Angelina Grimke

Thank You

Team Ayana Legal thanks you for the trust. Till we are back with our next edition, stay safe and keep smiling.

Disclaimer

This newsletter is solely for the purpose of providing information and the content provided is not and should not be construed as legal advice.

The Act makes clear that the "intending couple or intending woman shall not abandon the child born out of a surrogacy procedure, whether within India or outside, for any reason whatsoever, including but not restricted to, any genetic defect, birth defect, any other medical condition, the defects developing subsequently, sex of the child or conception of more than one baby and the like."

"A child born out of surrogacy procedure, shall be deemed to be a biological child of the intending couple or intending woman and the said child shall be entitled to all the rights and privileges available to a natural child under any law for time being in force."

The Act further discusses the constitution of National and State Assisted Reproductive Technology and Surrogacy Boards.

The Assisted Reproductive Technology (Regulation) Act, 2021

Under this Act all clinics set up for assisted reproductive technology (ART) must be duly registered. The National Assisted Reproductive Technology and Surrogacy Board to be constituted under the Surrogacy Act shall be the National Board for the purposes of this Act.

The clinics shall apply the assisted reproductive technology services to (i) to a woman above the age of twenty-one years and below the age of fifty years; (ii) to a man above the age of twenty-one years and below the age of fifty-five years; and ensure that the commissioning couple or woman makes an informed decision and is aware of all rights of the child born out of such procedure. That is, child born out of ART shall be given all rights available to a natural born child.

Further, a donor shall relinquish all parental rights over the child or children which may be born from his or her gamete.

The Act also provides offences for contravention of its provisions.