

Surrogacy in India: A Critical Analysis

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Abstract

In this planate a women is respected as a wife only if she is mother of a child, but when the parents are fail to construct the child through natural process called biological means, the problem arise and women are directly pointed out for this defect. The traditional and orthodox society of rural area especially in India the illiterate people argued that women are the one who is totally responsible for this kind of disturbance. But in the present world the desire of parenthood forced the many more families who are not able to construct the child by biological means to invest in modern technological innovation to search alternatives for mention propose. In modern term Infertility has social impact, particularly for women, who, without children, are often highly marginalized. The past few decades witnessed massive revolution in technological sector like, I.T, BPO and Assisted Reproductive Technology (ART) in health sector. The massive investment in health sector reflects the growth of Medical Tourism in India which is drawing attention of the world towards it. The result of these development India witnesses massive increase in flow of foreign tourist and NRIs for the purpose of availing various healthcare facilities especially in the case of surrogacy. In the context of surrogacy India appear as an important destination for the outsiders due to its cheap rates and legal relaxation. Many parents who want child come down to India with great dreams and hope for attaining the joy of parenthood through Assisted Reproductive Technology or the artificial method to obtain child called surrogacy. While in this paper researcher try to find out the economic importance of surrogacy and analyse the overall view in mention topic in India.

Keywords: Surrogacy, Process, Act, Commercial Surrogacy, Industry and destination.

In the recent world the massive investment in modern technology prove some important achievements in health sector along with others, especially in India. The invention of artificial method of constructs the child through surrogacy or Assisted Reproductive Technology; attract the Indian investor's attention. As a result of this innovations in health sector India open the door for its economic development through medical tourism. The result of these development India

witnesses massive increase in flow of foreign tourist and NRIs for the purpose of availing various healthcare facilities especially in the case of surrogacy. In the field of surrogacy India emerge as a important destination due to its cheap rates and legal relaxation as well. That is the only reason for popularity of India among other industrialized nation in the field of surrogacy. The low illiteracy, poverty, low income, mother sue to be only earning member in family are the main reasons which forced them to involve in this field. The persons who are invest in this surrogacy industry earn maximum profit in short run, due to which surrogacy Clinic facing high degree of competition, not just in the pricing, but in the hiring and retention of India females as surrogates as well as in providing high quality treatment to patients for quality outcomes.

The word surrogate origin from Latin word called surrogates, meaning a substitute, that is, a person appointed to act in the place of another. Therefore surrogate mother is a woman who bears a child on behalf of another woman, either from her own egg or from the implantation in her womb of a fertilized egg from other women (Rai 2011). Through this meaning married woman are involved in baby producing industries which not only help them in financial crises but in health matter also. This kind of money transition commercialized the surrogacy process in open market in India. The infertile couple from many more countries have engaged surrogate mother in India; usually they hire them till the completion of process. Usually surrogate mother perform this act for financial necessity only but their rights, protection and the social status were the important issues in the very modern and rapidly growing economy. In availability of women for hiring as surrogate mother is sufficient as compare to other country. It is just because of in India surrogacy has been commercially legalised in 2002 (Pariya 2015). While in other countries such as USA and Australia commercial surrogacy is totally prohibited in any manner but in United Kingdom and Canada surrogacy is legalized without involving payment of money. In the same advertising and acting as intermediary for earning profits through this process are banned. While involvement of money only for expenses reasonably incurred by the surrogate mother is legal in United Kingdom (Amin and Rehman 2014).The poverty,

hunger, build a proper house, to send children to school, to repay the loans, to support family and save for daughter's marriage and unemployment are the major issues which push the poor women in this profession, ultimately they are treated as a machine for baby production. The evident from many newspaper cited by some surrogate women proved that their economic condition is the main reasons for engaging in such arrangement. While by involving in this process they can earn some money for their family. In this process profit is not only confined to surrogate mother, doctors, investors and clinics are also having their percentage while doing this entire process. However the availability of medical infrastructure and potential surrogates to response the growing demand has fuelled the growth of the medical industry in India. "While India earn \$ 400 million a year through 3,000 fertility clinics across India and due to high inflow of foreign currency, India witness 30% growth in 2000 in growing medical tourism industry" (Amin and Rehman 2014).

In India Hyderabad is become global hub of surrogate pregnancies, where fertility experts pointed out that the high success rate coupled with affordable costs and easy legal documentation which made the India the most economical destination for surrogacy. While according to the guidelines of Indian Council of Medical Research, Voluntary surrogacy is permitted only if hospitals should not hire prospective surrogate mother or advertise about surrogacy. Whereas the ground reality is different, many hospitals do not follow these rules. In Hyderabad only 500 foreign couple engage surrogate mother every year and the success rate in the city is between 25 to 30% (Pariya 2015). The other side of the story is indifferent, after commercialization of surrogacy, the growing medical industry of India faced some serious problems like clinics are not follow the guidelines of Indian Council of Medical Research as mentioned above, surrogate service are advertised, surrogates are recruited and operating agencies make huge profits. Along with these problems, black marketing, baby selling and breeding farms turning impoverished women into baby producers with possibility of selective breeding at a price are also affecting the health industry in India. Apart from this women are also exploited due to their illiteracy, economic condition etc. Usually surrogates are brought by agents and relatives who are someway connected to infertility clinics and this kind of trend usually exploit the women rights and their sacrifices. The increasing number of unregistered clinic and involvement of middlemen decreased the bargaining capacity and pay lower rate to surrogate capacity. During the whole process surrogate mother has to leave their home town due to insufficient supply of health care facilities. So due to this they may fear that they will be sold or never

be able to come back. On the top of this their husband, family members too do not have any objection while they perform this.

In general the legalization of commercial surrogacy drag Indian society in to the dark arena which can be more hazardous and risky especially for women'. The use of modern technology in health sector basically the surrogacy pattern exploited the women in all aspect such economically, socially, emotionally, physically and mentally. While for the protection of women in above mention aspects the government of India banned foreigner from having children through surrogate mother in India in late 2015 but for married infertile Indian couples commercial surrogacy is allow (Bhattacharjee 2016).

The banning of surrogacy for foreign couples takes away the possibility of earning without offering any other options to them. While they don't just do it out of choice but it's a matter of compulsion, so that they can barely manage the basic necessities for their family. However the possibilities of rise in poverty while banning of mentioned issues is negligible. The implementation of fiscal policies for the betterment of Indian citizens provides equal opportunities for earning. The Government of India pays especial attention in the matter of women status and foe their protection. The women reservation in government jobs, legislation etc, and constitutional protection are some important steps forwarded by government of India for the development of women and their protection. In India the banning of commercial surrogacy for foreign couple encourage the underground surrogacy industry. The high demand of surrogacy mother in Indian market by foreign clients pushed this business in underground. The educated and rich parents of the other countries ready to pay any amount to get baby through surrogacy in India. However other reasons are also there such as diabetes, dysfunctional sexual organ etc which also push the business forward illegally.

CONCLUSION

In today's society the women's ability to give birth to a child is counted on the money value which openly accepts on the ground that it is a technological development of a modern time. The matter has become serious when women perform this act mainly for money. The involvement of money in this natural phenomenon affects the moral and ethical values in society which defiantly raise many questions such as how it affect the women's rights, physical security and their protection from social attitude when they perform the act of ability to give birth to a child for another man or family. Generally when any women perform this act

for another man or family they will become surrogate mother (who carry baby of other man in her womb through Assisted Reproductive Technology). In India involvement of money in this act trigger the commercial surrogacy in rapidly growing industry in the past Indian society. Obviously the emerging business in health sector called Assisted Reproductive Technology earns more foreign currencies in India, but at the same time it has some negative impact in social and personal life of women. Usually most of the surrogate mothers are belong to economically backward families and they need money to fight against it. So through this compulsion they became machines which produce babies any time. While their illiteracy, pressure of family members and need of the hour are some other reason which push and make them compulsion to rent their womb. In the past decades India became worldwide capital of commercial surrogacy due to its cheap treatment fees, maximum supply of surrogate mother and its legalization. Due to this commercial surrogacy has become a multibillion dollar industry in secondary sector. While the generally accepted phenomena called surrogacy hit the moral and cultural value of modern society. Now the people became more serious regarding women exploitation, genetic loss and social attitude through surrogacy. So it is important to discuss and raise awareness regarding issues explore by surrogacy which creates a moral dilemma so that it can be changed and perhaps banned in countries which are currently allow it.

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