

Socio-legal issues around surrogacy

India is one of the few countries where surrogacy has been legal since 2002. Since surrogacy in India is available at a relatively lower cost with a favourable legal environment, it is advantageous to come to India. Although there is no legislation governing surrogacy agreements in India, there is upcoming Assisted Reproductive Technology Bill, aiming to regulate the surrogacy in India. Surrogacy may be appropriate if you have a medical condition that makes it impossible or dangerous to get pregnant and to give birth. Surrogacy is when another woman carries and gives birth to a baby for the couple who want to have a child.

The type of medical conditions that might make surrogacy necessary includes:

- ☒ Absence or malformation of the womb
- ☒ Recurrent pregnancy loss
- ☒ Repeated in vitro fertilisation (IVF) implantation failures.

Full surrogacy (also known as Host or Gestational) – full surrogacy involves the implantation of an embryo created using either of the followings:-

- ☒ The eggs and sperm of the intended parents
- ☒ A donated egg fertilised with sperm from the intended father
- ☒ An embryo created using donor eggs and sperm.

Partial surrogacy (also known straight or Traditional) – partial surrogacy involves sperm from the intended father and an egg from the surrogate. Here fertilisation is done by artificial insemination or intrauterine insemination (IUI).

Surrogacy involves complicated legal issues. It is also advisable to receive counselling before starting the surrogacy process.

- ☒ The rights of the surrogate
- ☒ What if the surrogate mother changes her mind?
- ☒ The father's rights
- ☒ Becoming the child's legal parents-parental orders

While surrogacy is a boon for childless couples, there are many legal factors around it that must be kept in mind. But surrogacy is still unregulated in our country as we do not have legislation controlling surrogacy. And although the Indian Council of medical Research (ICMR) has set 'national guidelines. All that this means is that surrogate mothers need to sign a "contract" with the childless couple. There are no stipulations as to what will happen if this "contract" is violated.

It was in Manji's case in 2002 that Supreme Court of India held that commercial surrogacy was legal in India. In Jan Balaz v Union of India, the Gujarat High Court conferred Indian citizenship on two twin babies fathered though compensated surrogacy by a German national in Anand district in Gujarat.

In 2005, the Indian Council for Medical Research gave guidelines to help regulate Assisted Reproductive Technology procedures. The Law Commission of India submitted the 228th report on assisted Reproductive Technology procedures discussing the importance and need for surrogacy, and also the steps taken to control surrogacy arrangements.

This seminar is going to work towards this end intending to bring specialised speakers from different disciplines as it is a burning socio-legal issue. The seminar will provide a forum for exploring and developing core analytical skills for application to real world which in the long run can help to create a mutually beneficial future for human society. There in will lie the relevance of the seminar. The proceeding of the seminar containing suggestive and opinions of the participants from the diverse fields will be compiled circulated among the relevant authorities and bodies.

PROGRAMME SCHEDULE

DAY 1 (08/03/2017 WEDNES DAY)

10.30A.M. – 11.30 A.M.	REGISTRATION
11.30 A.M. – 1.30 P.M.	INAUGURAL SESSION
11.30 A.M. – 11.40 A.M.	WELCOME SONG BY STUDENT OF THE COLLEGE
11.40 A.M. – 12.00 NOON	FELICITATIO OF THE HONOURABLE GUESTS
12.00 NOON – 12.05 P.M.	LIGHTENING OF THE LAMP
12.05 P.M. – 12.25 P.M.	WELCOME ADDRESS BY ASST. PROF(DR.) MOHAMMADI TARANNUM TEACHER-IN-CHARGE & CONVENOR OF THE SEMINAR
12.25 P.M. – 12.35 P.M.	ADDRESS BY CHIEF GUEST SMT. SASHI PANJA HON'BLE MINISTER, WOMAN & CHILD DEVELOPMENT AND SOCIAL WELFARE GOVT. OF WEST BENGAL
12.35 P.M. – 12.45 P.M.	KEYNOTE ADDRESS BY GUEST OF HONOUR DR. MANJUSHREE BANDOPADHYAY DIRECTOR, IPGM&R
12.45 P.M. – 12.55 P.M.	ADDRESS BY SPECIAL GUEST PROF. DR. ASHUTOSH GHOSH VICE –CHANCELLOR UNIVERSITY OF CALLCUTTA

12.55 P.M. – 1.05 P.M.	ADDRESS BY GUEST OF HONOUR SMT. NAYNA BANDOPADHYAY, MLA FROM CHOWRINGHEE CONSTITUENCY
1.05 P.M. – 1.15 P.M.	ADDRESS BY GUEST OF HONOUR SRI. ASHOK DEB, CHAIRMAN, WEST BENGAL STATE BAR COUNCIL.
1.15 P.M. – 1.20 P.M.	ADDRESS BY DEBASISH BANERJEE. ADV, CALCUTTA HIGH COURT, GB MEMBER SURENDRANATH LAW COLLEGE.
1.20 P.M. – 1.30 P.M.	ADDRESS BY RAJIB SARKAR, SETLOR TRUSTEE INDIA'S SMILE, A PUBLIC WELFARE TRUST.
1.30 P.M. – 1.40 P.M.	VOTE OF THANKS BY PROF. DR. MILAN KUMAR PAL PRESIDENT GOVERNING BODY OF SURENDRANATH LAW COLLEGE
1.40 PM -2.30P.M.	LUNCH BREAK
2.30 P.M. – 4.30 P.M.	TECHNICAL SESSION – I SPEAKER: MR. PINGAL KHAN, ADVOCATE, KARNATAKA HIGH COURT
4.30P.M. – 5.30 P.M.	SPEAKER: SRITAMA CHAUDHURY, ASST. PROF. SAMSI COLLEGE, GOURBANGA UNIVERSITY. CHAIR PERSON: PROF. DR. MANIK CHAKRABORTY, DIRECTOR, AMITY UNIVERSITY. CO CHAIR PERSON: DR. MANI RANI DASGUPTA, DEPARTMENT OF LAW, UNIVERSITY OF CALCUTTA

Day 2 (9/3/2017, Thursday) Technical Session 2,3 & 4

10:30 – 12:00 → Technical Session 2

Speaker :- Dr. Chaitali Dutta Roy

Associate Prof. Department of G& O.

IPGME & R

Chairperson :- Dr. Sashi Nath Mondal

Deputy Director

Higher Education Dept., Bikash Bhavan.

12:30 – 13:30 → Technical Session 3

Speaker :- Ruchira Goswami

Asst. Prof. in Sociology and Head Centre for Child Rights

WB NUJS

Chairperson :- Prof. (Dr.) Sachi Chakraborty

Department of Law

University of Calcutta

13:30 – 14:30 → LUNCH BREAK

14:30 – 15:00 → Technical Session 4

Speaker :- Dr. Gautam Khastgir

MD (Cal), FRCS (Edin), FRCOG (Lond)

Consultant Gynaecological Endoscopic Surgeon

Infertility, Hormone and Microsurgery Specialist

Chairperson :- Asst. Prof. (Dr.) Mohammadi Tarannum

Teacher –in –Charge

Surendranant Law College

15:00 – 15:30 → Prof. Sunit Mukherjee

M.Ch. E (J.U.) ,M.N.S.(Cornell U.S.A.)

A.M.I.E.(India), F.I.I.Ch.E.

Sec.of Dr. Subhash Mukherjee Memorial Reproductive Biology Recharch Centre Food & Nutrition Division

15:30 – 16:10 → Valedictory Session

15:30 – 15:45 → Report of the Seminar Mrs. Avirupa Chatterjee

Jt. Co-ordinator

15:45 – 16:00 → Valedictory Address by

Asst. Prof. (Dr.) Mohammadi Tarannum

Teacher –in –Charge

Surendranant Law College

16:00 – 16:10 → Vote of Thanks by Mrs. Diyali Roy

Jt. Organising Secretary

Sub-Themes

1. Concept of surrogacy : National and International Perspective.
2. Surrogacy Contracts and their Validity.
3. Biological mother V. Surrogate mother : Social, physical and psychological issues.
4. Surrogacy Act : the need of the hour in the era of globalization –
 - A- Surrogacy Act in India .
 - B- Surrogacy Legislations in the European Union.
 - C- Surrogacy Legislations in the Common Wealth.
 - D- Surrogacy Legislations in the USA.
5. Problems and proposed Solutions in India.