

**GOVERNMENT OF INDIA  
MINISTRY OF HEALTH AND FAMILY WELFARE  
DEPARTMENT OF HEALTH RESEARCH**

**RAJYA SABHA  
UNSTARRED QUESTION NO. 270  
TO BE ANSWERED ON 1<sup>ST</sup> DECEMBER, 2015**

**LAW FOR REGULATING SURROGACY**

**270. SHRI ANIL MADHAV DAVE:  
DR. K.V.P. RAMACHANDRA RAO:**

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

- (a) whether it is a fact that India is growing as a hub for Surrogate Motherhood Industry, if so, the details thereof;
- (b) whether there is any law governing surrogacy in India or any legal procedure for such activity, if not, whether Government proposes to bring any law for this; and
- (c) how Government plans to regulate and monitor this, keeping in view the poverty, illiteracy, extortion and various similar factors to regulate misuse of this technology?

**ANSWER  
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND  
FAMILY WELFARE  
(SHRI SHRIPAD YESSO NAIK)**

(a): As per the Law Commission Report No. 228 of 2009, India is a favourable destination for foreign couples looking for Surrogacy and mentions ART industry is now Rs. 25,000 crores industry.

As per two independent studies conducted by reputed agencies forwarded to the Department of Health Research, around 2,000 foreign babies are born to Indian surrogates every year and the international surrogacy services are offered by nearly 3,000 such clinics operating across the country.

However, Health being a state subject, Government of India has issued comprehensive technical guidelines to the state governments to regulate surrogacy in their respective states. Under these guidelines, the state governments have been asked to set up state accreditation authorities and appropriate authorities to regulate and ascertain the prevalence of surrogacy in their respective states.

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(b) & (c): Department of Health Research has drafted a legislation to regulate Surrogacy, Assisted Reproductive Technology (Regulation) Bill, 2015, which is under inter-ministerial consultation.

Presently, National Guidelines for Accreditation, Supervision & Regulation of ART Clinics in India, 2005 issued by Ministry of Health & Family Welfare to regulate Surrogacy are in-force.

For preventing exploitation and misuse of technology, recently the Department of Health Research has issued instructions vide letter No. V. 25011/119/2015-HR dated 4<sup>th</sup> November, 2015 conveying the following:

(a) Ministry of Commerce has issued notification banning the import of human embryos except for research purposes;

(b) Ministry of Home Affairs has issued directions to not grant visa/permission to foreign nationals (including OCI Cardholders) to visit India for commissioning Surrogacy;

In addition to the above, PC&PNDT Act 1994 and Medical Council of India's guidelines also cover the unethical practices in Surrogacy.

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