

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

**LOK SABHA
UNSTARRED QUESTION No.1773
TO BE ANSWERED ON 16TH DECEMBER, 2022**

ART BILL

1773. SHRI BHARTRUHARI MAHTAB:

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

- (a) the definition of 'infertility' in light of definitions as under Assisted Reproductive Technology (Regulation) Bill, 2021 and the Surrogacy (Regulation) Bill, 2019;
- (b) the reason for different eligibility criteria to avail ART facilities under ART Bill, 2021 and Surrogacy Bill, 2019;
- (c) the clarification regarding the persons/agencies who can file a complaint for offenses committed under these Bills separately;
- (d) whether a National Registry has been set up for un-anonymized personal data collection of all parties utilizing ART methods without it serving any public purpose against the right to privacy;
- (e) whether the Government plans to create a uniform assimilated law that encompasses all forms of assisted reproductive technology including surrogacy in the light of surrogacy also being an ART method; and
- (f) if so, the details thereof?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY
WELFARE
(DR. BHARATI PRAVIN PAWAR)**

- (a) After the passing of relevant bills on the subject of Assisted Reproductive Technology and Surrogacy, the two Acts called The Assisted Reproductive Technology (Regulation) Act, 2021 and The Surrogacy (Regulation) Act, 2021 have come into force w.e.f. 25/01/2022.

Section 2(1)(j) of the Assisted Reproductive Technology (Regulation) Act, 2021 defines "infertility" and accordingly "infertility" means the inability to conceive after one year of unprotected coitus or other proven medical condition preventing a couple from conception.

(b) The different eligibility criteria to avail ART and Surrogacy services under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Surrogacy (Regulation) Act, 2021 respectively have been kept for safe and ethical practices of ART and Surrogacy services.

(c) Sections 18(1), 35(1) and 35(2) of the Assisted Reproductive Technology (Regulation) Act, 2021 clarify the position with regard to filing a complaint for offences committed under said Act which read as under:-

18. (1) The appropriate authority may on receipt of a complaint, issue a notice to the clinic or bank to show cause as to why its registration should not be suspended or cancelled for the reasons mentioned in the notice.

35. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the National Board or the State Board or by an officer authorised by it.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Sections 13(1), 44(1) and 44(2) of the Surrogacy (Regulation) Act, 2021 clarify the position with regard to filing a complaint for offences committed under said Act.

13. (1) The appropriate authority may, suo motu or on receipt of a complaint, issue a notice to the surrogacy clinic to show cause as to why its registration should not be suspended or cancelled for the reasons mentioned in the notice.

44. (1) No court shall take cognizance of any offence punishable under this Act except on a complaint in writing made by—

(a) the appropriate authority concerned, or any officer or an agency authorised in this behalf by the Central Government or the State Government, as the case may be, or the appropriate authority; or

(b) a person including a social organisation who has given notice of not less than fifteen days in the manner prescribed, to the appropriate authority, of the alleged offence and of his intention to make a complaint to the court.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(d) The National Registry has not collected any personal un-anonymized data of individuals utilizing ART methods.

(e) & (f) The Assisted Reproductive Technology (Regulation) Act, 2021 and the Surrogacy (Regulation) Act, 2021 are two separate Acts.
