

Seventeenth Loksabha

an>

Title: Rajya Sabha at its sitting held on the 8th December, 2021, passed the Surrogacy (Regulation) Bill, 2019, with amendments and returned the Bill with request that the concurrence of Lok Sabha to the amendments to communicate to Rajya Sabha.

SECRETARY GENERAL: Sir, I have to report the following message received from the Secretary General of Rajya Sabha:-

I am directed to inform the Lok Sabha that the Surrogacy (Regulation) Bill, 2019 which was passed by the Lok Sabha at its sitting held on the 5th August, 2019, has been passed by the Rajya Sabha at its sitting held on the 8th December, 2021 with the following amendments:-

LONG TITLE

1. That at page 1, *for* the words "National Surrogacy Board, State Surrogacy Boards ", the words. "National Assisted Reproductive Technology and Surrogacy Board, State Assisted Reproductive Technology and Surrogacy Boards" be *substituted*.

ENACTING FORMULA

2. That at page 1, line 1 *for* the word "Seventieth" the word "Seventy- Second" be *substituted*.

CLAUSE 1

3. That in the marginal heading, *for* the words "Short title, extent and commencement", the words "Short title and commencement" be substituted.
4. That. at page 1, line 4, *for* the figure "2020" the figure "2021" be substituted.
5. That at page 1, line 5, be deleted.

CLAUSE 2

6. That at page 2, line 3, *after* the word "expenses", the words "and such other prescribed expenses" be inserted.
7. That at page 2, *after* line 6, the following be inserted, namely:-

"(ca) 'Assisted Reproductive Technology Act' means the Assisted Reproductive Technology (Regulation) Act, 2021;"
8. That at page 2, line 7, *for* the words "National Surrogacy Board," the words "National Assisted Reproductive Technology and Surrogacy Board" be substituted.
9. That at page 2, line 16, *after* the words "medical expenses", the words "and such other prescribed expenses" be inserted.
10. That at page 2, *for* lines 23 to 26, the following be substituted, namely:-

"(j) "embryologist" means a person who possesses any post-graduate medical qualification or doctoral degree in the field of embryology or clinical embryology from a recognized University with not less than two years of clinical experience;"

11. That at page 2, lines 3 8 and 3 9, be **deleted**.
12. That at page 2, line 41, **after** the words "compensation for", the words "medical expenses, health issues," be **inserted**.
13. That at page 2, line 42, **after** the words "surrogate mother", the words "and such other prescribed expenses incurred on such surrogate mother" be **inserted**.
14. That at page 2, **for** lines 43 and 44, the following be **substituted**, namely:-

"(r) "intending couple" means a couple who have a medical indication necessitating gestational surrogacy and who intend to become parents through surrogacy;"
15. That at page 2, **after** line 44, the following be **inserted**, namely:-

"(ra) "intending woman" means an Indian woman who is a widow or divorcee between the age of 35 to 45 years and who intends to avail the surrogacy;"
16. That at page 2, lines 45 and 46, **for** the words "the National Surrogacy Board or a State Surrogacy Board", the words "the National Assisted Reproductive Technology and Surrogacy Board or a State Assisted Reproductive Technology and Surrogacy Board" be **substituted**.
- 17: That at page 3, line 14, **for** the words "the State Surrogacy Board", the words "the State Assisted Reproductive Technology and Surrogacy Board" be **substituted**.

18. That at page 3, ***for*** lines 30 to 33, the following be ***substituted***, namely:-

"(zf) "surrogate mother" means a woman who agrees to bear a child (who is genetically related to the intending couple or intending woman) through surrogacy from the implantation of embryo in her womb and fulfils the conditions as provided in sub-clause (b) of clause (iii) of section 4;"

19. That at page 3, ***after*** line 34, the following be ***inserted*** namely:-

"(2) Words and expressions used herein and not defined in this Act but defined in the Assisted Reproductive Technology Act shall have the meanings respectively assigned to them in that Act."

CLAUSE 4

20. That at page 4, ***for*** lines 43 and 44, the following be ***substituted***, namely:-

"(a) when an intending couple has a medical indication necessitating gestational surrogacy:

Provided that a couple of Indian origin or an intending woman who intends to avail surrogacy, shall obtain a certificate of recommendation from the Board on an application made by the said persons in such form and manner as may be prescribed.

Explanation.-For the purposes of this sub-clause and item (I) of sub-clause (a) of clause (iii) the expression "gestational surrogacy" means a practice whereby a surrogate mother carries a child for the intending couple through implantation of embryo in her womb and the child is not genetically related to the surrogate mother;"

21. That at page 5, ***for*** lines 12 and 13, the following be ***substituted***, namely:-

"(I) a certificate of a medical indication in favour of either or both members of the intending couple or intending woman necessitating gestational surrogacy from a District Medical Board;"

22. That at page 5, line 14 ***for***, the weird "sub-clause", the word "item" be ***substituted***.

23. That at page 5, ***for*** line 23, the following be ***substituted***, namely:-

"couple or the intending woman and the surrogate mother, which shall be the birth affidavit after the surrogate child is born; and".

24. That at page 5, line 24, ***after*** the words, "such amount", the words "and in such manner", be ***inserted***.

25. That at page 5, line 25, ***for*** the words, "sixteen months", the words "thirty- six months", be ***substituted***.

26. That at page 5, ***for*** lines 37 to 39, the following be ***substituted***, namely:-

"(II) a willing woman shall act as a surrogate mother and be permitted to undergo surrogacy procedures as per the provisions of this Act:

Provided that the intending couple or the intending woman shall approach the appropriate authority with a willing woman who agrees to act as a surrogate mother;"

27. That at page 6, line 3, **for** the words, "the age of intending couple is between", the words "the intending couple are married and between the age of", be **substituted**.
28. That at page 6, lines 6 and 7 be **deleted**.

CLAUSE 5

29. That at page 6, lines 16 and 17, **after** the words, "intending couple", the words "or intending woman", be **inserted**.

CLAUSE 7

30. That at page 6, line 27, **after** the words, "intending couple", the words "or intending woman", be **inserted**.
31. That at page 6, lines 31 to 33 be deleted.

NEW CLAUSE 7 A

32. That at page 6, **after** line 33, the following new clause, be **inserted**, namely:-

"7A. 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."

CLAUSE 8

33. That at page 6, line 34, ***for*** the words "implanted in the surrogate mother", the words "implanted in the uterus of the surrogate mother" be ***substituted***.

CLAUSE 13

34. That at page 7, line 37, ***after*** the words, "surrogacy clinic", the words "or the intending couple or the intending woman", be ***inserted***.

35. That at page 7, line 39, ***after*** the words and figure, "under section 12", the words and figure "and communication relating to rejection of the certificates under "section 4", be ***inserted***.

-

NEW CLAUSES 13A AND 13B

36. That at page 7, ***after*** line 45 the following new clauses be ***inserted*** namely:-

<p>"13A. There shall be established a Registry to be called the National Assisted Reproductive Technology and Surrogacy Registry for' the purposes of registration of surrogacy clinics under this Act.</p>	<p>Establishment of National Assisted Reproductive Technology and Surrogacy Registry.</p>
---	---

13B. The National Assisted Reproductive Technology and Surrogacy Registry referred to in section 13A and to be established under section 9 of the Assisted Reproductive Technology Act shall be the National Registry for the purposes of this Act and the functions to be discharged by the said Registry under the Assisted Reproductive Technology Act shall, *mutatis mutandis*, apply."

Application of provisions of Assisted Reproductive Technology Act with respect to National Registry.

CLAUSE 14

37. That at page 8, *for* lines 2 to 5, the following be *substituted*, namely:-

"NATIONAL ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARD AND STATE ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARDS

14.(1) The Central Government shall, by Constitution notification, constitute a Board to be known as the National Assisted Reproductive Technology and Surrogacy Board to exercise Assisted Reproductive Technology the power and perform the functions conferred on the Board

under this Act."

and
Surrogacy
Board.

38. That at page 8, lines 22 and 23, the words, "or experts of stri-roga or prasuti- tantra", be deleted.

CLAUSE 15

39. That at page 8, lines 42 and 43, for the words, "one year", the words "three years", be substituted.

CLAUSE 22

40. That at page 10, line 27, for the words "State Surrogacy Boards", the words "State Assisted Reproductive Technology and Surrogacy Boards" be substituted.

CLAUSE 23

41. That at page 10, for lines 29 to 31, the following be substituted, namely:-

"**23.** Each State and Union territory having Constitution Legislature shall constitute a Board to be of State known as the State Assisted of Reproductive Assisted Technology and Surrogacy Board or the Reproductive Assisted Union Territory Assisted Technology

Reproductive Technology and Reproductive and Surrogacy Board, as the case may be, which Surrogacy shall discharge the following functions, Board. namely:-".

CLAUSE 24

42. That at page 11, lines 13 and 14, the words "or experts of stri-roga or prasuti-tantra", be ***deleted***.

CLAUSE 25

43. That at page 11, line 29, ***for*** the words "one year", the words "three years" be ***substituted***.

-

CLAUSE 32

44. That at page 13, ***for*** line 9, the following be ***substituted***, namely:-

"each of the Union territories for the purposes of this Act and the Assisted Reproductive Technology Act."

45. That at page 13, ***for*** line 12, the following be ***substituted***, namely:-

"the whole or any part of the State for the purposes of this Act and the Assisted Reproductive Technology Act."

46. That at page 13, ***after*** line 15, the following be ***inserted***, namely:-

"(i) an officer of or above the rank of the Joint Secretary of the Health and Family Welfare Department-Chairperson, ex officio;"

47. That at page 13, line 17 ***for*** the word "Chairperson" the words "Vice Chairperson, ex officio" be ***substituted***.

CLAUSE 34

48. That at page 14, line 12, ***after*** the words "may be prescribed", the words "and submit the same to the National Assisted Reproductive Technology and Surrogacy Board" be ***inserted***.

CLAUSE 37

49. That at page 15, ***for*** the existing marginal heading, the words "Punishment for not following altruistic surrogacy." be ***substituted***.

50. That at page 15, line 8, ***after*** the words "Any intending couple", the words "or intending woman" be ***inserted***.

51. That at page 15, line 10, ***for*** the words "commercial surrogacy", the words "not following the altruistic surrogacy" be ***substituted***.

CLAUSE 47

52. That at page 16, ***after*** line 33 the following be ***inserted***, namely:-

"(a) the prescribed expenses under clauses (b), (f) and (g) of sub-section (1) of section 2;"

53. That at page 16, line 36 ***for*** the words, "the manner", the words "the period and manner", be ***substituted***.

54. That at page 16, ***after*** line 37, the following be ***inserted***, namely:-

"(ba) the form and manner of application for obtaining certificate of recommendation from the Board under proviso to sub-clause (a) of clause (ii) of section 4;"

55. That at page 16, line 39, ***after*** the word "company" the words "and the manner of such coverage" be ***inserted***.

56. That at page 16, line 44, ***for*** the words "implanted in the surrogate mother", the words "implanted in the uterus of the surrogate mother" be ***substituted***.

57. That at page 17, lines 17 and 18, ***for*** the words "the State and Union Territory Boards", the words "the State Assisted Reproductive Technology and Surrogacy Board and Union territory Assisted Reproductive Technology and Surrogacy Board" be ***substituted***.

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House.'

Sir, I lay on the Table the Surrogacy (Regulation) Bill,2019, as passed by Lok Sabha and returned by Rajya Sabha with amendments.

HON. CHAIRPERSON: This is not the way.

... (*Interruptions*)

HON. CHAIRPERSON: Please go back to your seats.

... (*Interruptions*)