

SURROGACY: A SOCIO- LEGAL CHALLENGE OF INDIA WITH SPECIAL REFERENCE TO ARUNACHAL PRADESH

Pratibha

Research Scholar, Faculty of Legal Studies, Arunachal University of Studies, Namsai, Arunachal Pradesh
(India)

Dr. Brahm Dev Pandey

Assistant Professor, C. M. P. Degree College (A Constituent College of University of Allahabad), Prayagraj,
U.P. (India)

ABSTRACT

The present world the craving of parenthood constrained the numerous more families who are not ready to build the tyke by natural intends to put resources into present day mechanical advancement to look options for specifies propose. In present day term Infertility has social effect, especially for ladies, who, without youngsters, are regularly profoundly minimized. The idea of a surrogate mother was raised as a refuge for humanity in the current period of time, which gave a suitable option for those who live in productive couples who are not willing to give birth to young people in a normal way. An advantage for single men and women unparalleled in any different way of acquiring early age, as it gives safe parents the opportunity to obtain a genetically related task, at the time of exit of their choice. With regards to surrogacy India show up as an essential goal for the outcasts due to its shoddy rates and legitimate unwinding. Many guardians who need kid come down to India with incredible dreams and seek after achieving the delight of parenthood through ART & IVF to get youngster called surrogacy. While in this research paper researcher attempt to discover the financial significance of surrogacy and dissect the general view in say point in India. The researcher believes that tradition, culture, history and the system of social values play an important role in shaping the country's policies and legislation. Therefore, specific legislation for alternative mothers in India should be drafted taking into account the above concept.

KEYWORDS

Surrogacy, Surrogate Mothers, Gestational Surrogacy, Traditional Surrogacy, Legislation, Parliament, Judiciary, Bill, Act, Aurasa, Kshetraja, Gudhaja, Kanina, Putrika Putra, Sahodhaja, Dattak, Krita, Krtrima, Svayamdatta and Apdviddha Bhagwat Geeta, Law Commission, ART, IVF, IVI, ICI, ITI, IUI, LGBTQ, CSR, ICMR, UK, USA.

INTRODUCTION

In an era of expansion of human rights jurisprudence along with technological advances, it has become a new legal provision to face the emerging challenges posed by this technological advance. India is turning into the surrogacy capital of the world in light of the fact that here surrogacy is honest and more practical than whatever other nation on the planet. Basically this research paper deal on the topic of Surrogacy: A Socio- Legal Challenge in India with special reference to Arunachal Pradesh. India does not have separate law exclusively deal with surrogacy problems. There are scattered provisions under various statues speaking about the same problems. Also there is no uniformity in amount of surrogacy problems. In the scholarly universe of law, research might be attempted for an assortment of purposes, and its inclination may relies on upon what a man plans to accomplish by an exploration action, and the spurring elements behind such goal. So, the researcher has taken the subject matter 'Surrogacy: A Socio-Legal Challenge of India with special reference to Arunachal Pradesh. So, researcher can say in clearly that the lack of established law encouraged to researcher to do work so on. In this research, researcher has investigated

every possibility to marshal each part of the topic in an exceptionally and clear way and confined her topic with special reference to Arunachal Pradesh. Researcher trust her examination will end up being learning of supply to the peruses and has worked unendingly to reveal the merits, demerits, opportunities, challenges and threats relating to surrogacy so that the able experts and invested individuals may have an unmistakable comprehension of the subject. Researcher's examination has drudged to capture each part of the subject.

MEANING, DEFINITIONS TYPES AND TYPE OF MEDICAL PROCEDURE

The source of "Surrogacy" is the Latin "Surrogates", the past participle of "Surrogates", and means the alternative, that is the person selected to act in another place. Section 2 (zb) of the Surrogacy Bill, 2019 defines the term "surrogacy". Section 2 (ze) of the Surrogacy Bill, 2019 defines the term "surrogate mothers". Basically surrogacy has two types viz- first is Traditional Surrogacy and second is Gestational Surrogacy.

The Black's Law Dictionary and the New Britannic Encyclopedia describes "Surrogate Motherhood". The Collins English Dictionary, the Oxford Dictionary and the ART Regulation Law, 2010 defines Surrogate Mother. Section 2 (r) of the Surrogacy Bill, 2019 defines the term "intending couple". Some other terms have been described under this work like Natural (traditional/direct) Surrogacy, Gestational Surrogacy and Gestational Pregnancy, Egg Donation, Altruistic Surrogacy, Commercial Surrogacy and Embryo Donation etc.

While all Surrogacy courses apply including women transferring an infant or couple, Black's Law Dictionary instructs Surrogacy in two categories first Traditional Surrogacy and second Gestational Surrogacy.

Basically there are two type of medical procedure-(1) Traditional Surrogacy via Artificial Insemination and (2) In- Vitro Fertilization. Artificial Insemination has also four categories like (a) Intra Vaginal Insemination, (b) Intra Cervical Insemination, (c) Intra Tubal Insemination and (d) Intra Uterine Insemination. In this regard the strategy is for the most part effortless and takes just a couple of minutes. It is not important to mention here the detail medical process.

RESEARCH HYPOTHESIS

The present study is based on the following hypothesis-

1. There is general feeling that existing legal framework related to surrogacy problems are not sufficient to tackle the issues of the surrogacy.
2. There are no appropriate authorities for the regulation of the practice and process of surrogacy and matter related thereto in India.
3. The Parliament and the court seldom invoke their enabling statutory power to surrogacy problems.
4. There are no appropriate authority and instruments to regulate the surrogacy clinic and machinery conducting relating to surrogacy and surrogacy procedure.
5. There is an urgent need of uniform legislative framework for dealing with surrogacy problems.

OBJECTIVES OF THE STUDY

The researcher has taken the research topic 'Surrogacy: A Socio-Legal Challenge of India with Special Reference to Arunachal Pradesh'. The present study will focus upon the socio- legal issues relating to surrogacy in India. With the help of doctrinal and non doctrinal method this research work is an attempt to examine the problems associated with the surrogacy in India especially in Arunachal Pradesh. A systematic probe in to some of these questions has been made in study are as under-

1. There is general feeling that existing legal framework related to surrogacy problems are not sufficient to tackle the issues of the surrogacy and ART.
2. There are no appropriate authorities and instruments to regulate of the practice and process of surrogacy, surrogacy clinic and machinery and matter related thereto in India.
3. The Parliament and the court seldom invoke their enabling statutory power to surrogacy problems.

4. There is an urgent need of uniform legislative framework for dealing with surrogacy problems.

HISTORICAL PROSPECTIVE

In early societies, the choice for guys, especially regular inside the early society and become strikingly suggested in India Vedas, and moreover through old authors like Yajnavalkya and Manu, and to conceive a child one-of-a-kind techniques were distinguished and honed which our vintage laws allow. Aurasa, Kshetraja, Gudhaja, Kanina, Putrika Putra, Sahodhaja, Dattak, Krita, Krtrima, Svayamdatta and Apdviddha etc. Ancient India prospective. Under this head researcher has discussed its ancient origins and ancient Hindu scriptural description like Mahabharata (birth of 100 Kaurava) and Shreemad Bhagwat Geeta (birth of Lord Shri Krishna and story of Devaki and Yashoda) etc.

Hollywood superstar Surrogacy is on the ascent, Sarah Jessica Parker and Matthew Broderick, Kelsey Grammar, Dennis Quad, and Ricky Martin and dozens of Bollywood celebrities like Krushna Abhishek and Kashmera Shah, Shah Rukh and Gauri Khan, Aamir Khan and Kiran Rao, Sohail Khan and Seema Khan, Farah Khan and Shirish Kunder, Tusshar Kapoor, Karan Johar, Ekta Kapoor and Sunny Leone etc who are enjoying parenthood through surrogacy and IVF. Several Hindi movies are also made into the subject matter of surrogacy like *Doosari Dulhan* (1993), *Chori Chori Chupke Chupke* (2001), *Filhall* (2002), *Googal Baby* (2009), *Made in India* (2010), *Mala Aai Vahhaychy* (2010), *Vicky Donor* (2012), *Badnaam Gali* (2019), *Good Newwz* (2019) *Mimi* (2020) etc. These movies are particularly rotates around Indian Surrogacy industry.

Presently we should concentrate the historical backdrop of Surrogacy in sequential request: 1976: Keane Brokers First Surrogacy Agreement, 1978: Tube's First Baby Born, 1980: Beginning of Traditional Cultural Adjustment, 1978: First Test Tube Baby Born, 1980: First Paid Traditional Surrogacy Arrangement, 1983: The first successful pregnancy of Egg Donation, 1984: First prenatal screening test, 1986: The Case of the Baby Child, 1988: Patty Now Akowski Gets Custody for Surrogate Twins, 2001: Old Single Mother, 2005: Birth Mothers Gave Quintuplets, 2007: Adult Mother of Two Twins, 2008: Adult Motherhood in Three Pregnant Mothers and 2008: The Oldest Mother of Japan.

The Parliament of India has introduced the Surrogacy (Regulation) Bill, 2019 on 15th July, 2019, The important provisions of the Bill, 2019, are as-the Bill is intended propose to ban commercialization surrogacy and but in opinion to allow altruistic surrogacy, rregarding the eligibility the bill provides that the couple must have a “certificate of essentiality” and a “certificate of eligibility” granted by the regulatory body of appropriate government.

REVIEW OF LITERATURE

In the journey of literature of review researcher will try to review several reference books, text book, research papers, articles, reports of various commissions and institutions. In this regard some important literatures are under review as- Anil Malhotra and Ranjit Malhotra, Aniruddha Malpani and Anjali Malpani, Honorable Dr. Justice B.S., Babu Sarkar, Dr. C. R. Jilova, Geneuiere H. Reyes and Hazel Rose B. See, Indo-Asian News Service, Jwala D. Thapa, M. Srinivas, Majdah Zawawi, Majdah Zawawi, Mamta Rao, Byrn, Mary P. and Synder, Steven H., Dr Monica Chawla, Nandita Adhikari, Peter R. Brinsden, Radhika Rao, Vani Thappar, Narendra Malhotra, Jaideep Malhotra and Vidhu Modgil, Anil Malhotra and Ranjit, Carl F. Goodman, Deborah L. Geoffrey Sher, Victoria Marriage Davis and Jean, Janet L. Dolgin and Lois L., Tsantani Dasgupta and Shamita Das Dasgupta, W M Bucketand S L Tan, Glenda Emerson

In the course of my research researcher will try to find many books that were opened as eye-opening for Surrogacy like Rayven Perkins e-book "How to Be a Surrogate Mother in Pregnancy: A Step-by-Step Guide from a Decision to a Transmission", "Indian Surrogate", "Earth Support", "Distribution in the Land of India- A law that is really shaping up", "Motherhood of Surrogate: An International Perspective" etc. These books include points of view from Law, Psychology, Anthropology and Social Work and sketch of the content of Surrogacy action in the UK, New Zealand, Israel and the United States etc.

Aside from the Documents and Books, Various Government and Non-Governmental Reports on Surrogacy will exceptionally brilliant throughout the trial. The 228th Law Commission Report, 2009, report

of The Center for Social Research (CSR), "Mother's Surrogacy: Ethical or commercial?", with support from the Department of Women and Child Development., The guidelines of ICMR 2002, guideline of ART Clinics, 2005, 2008, 2010 and 2013etc. The researcher will try also study various case laws related to surrogacy like Baby Manji case (1987), Johnson v. Calvert (1993) Beasley case (2001), the case of Buzzanca (1998) and The Fasano (1999).

In context of writing researcher will try to visit the libraries of numerous Universities and hunt down material relating to Surrogacy. Apparently while the researcher participated in the National and International Seminars and workshop tied to Surrogacy and other multidisciplinary topics on the journey of good research. Various Legal Luminaries, Distinguished Professionals and Medical Practitioners attend such seminars and share ideas and information on the topic they will take since their involvement in the field of concern.

JUSTIFICATION REGARDING THE SELECTION OF ARUNACHAL PRADESH STATE

The researcher wants to mention basic justification about the selection of Arunachal Pradesh State as a specific area for the purpose of research as a sample. The researcher has selected the aforesaid state because the university in which the research scholar is enrolled is situated in the same state and the researcher is determined to do the real and empirical research on the selected issue to short out the problems on same to help to establish a genuine study and law regarding surrogacy and it's various issues.

RESEARCH METHODOLOGY

Under this head researcher has tried to discuss about primary sources (books, articles, research papers, reports, case comments, internet and other online sources) as well as secondary sources questionnaire development and pilot testing methods both. As we know very well that the research is primarily committed to establishing systematic, reliable and valid knowledge about the social world. The research comprises of defining and redefining problems, formulating hypothesis, collecting data, organizing data, evaluating of data, making decisions, reaching conclusions and finally carefully testing the conclusions find suggesting solutions

In case of proposed research quantitative research design is selected. In quantitative research, the objectives, design, sample and the factors influencing the research are predetermined. Statistical and economic data analysis approach is opted in this type of research after data collection and the final result is expressed in terms of quantity. The proposed study comprises of both types of data i.e., primary data (Questionnaire and Interview) and secondary data (internet, journals and text books).

RESEARCH HYPOTHESIS

The present study is based on the following hypothesis-

5. There is general feeling that existing legal framework related to surrogacy problems are not sufficient to tackle the issues of the surrogacy and ART.
6. There are no appropriate authorities and instruments to regulate of the practice and process of surrogacy, surrogacy clinic and machinery and matter related thereto in India.
7. The Parliament and the court seldom invoke their enabling statutory power to surrogacy problems.
8. There is an urgent need of uniform legislative framework for dealing with surrogacy problems.

OBJECTIVES OF THE STUDY

Basically this research work followed the followings objectives-

1. To examine and evaluate existing laws governing surrogacy problems.
2. To analyses social and legal status of surrogacy in India.
3. To analyses the status of surrogate women under statutory laws and to evaluate how for the Surrogacy Bill, 2019 is effectively will convert into Act.
4. To understand role played by judiciary in relief.
5. To analyze the international framework relating to surrogacy problems.

6. To conduct the survey and identified the issues violence against surrogate women within the territory of Arunachal Pradesh.
7. To provide for suitable suggestions to strengthen the current legal framework for surrogacy problems.
8. To study various initiatives undertaken in India regarding the surrogacy problems.

SURROGACY IN DIFFERENT PROSPECTIVES

The present head "Surrogacy in Different Prospective" deal with the various prospective of surrogacy. Under this chapter fundamental instinct of surrogacy, type of surrogacy, type of medical surrogacy whatever established in present era like traditional surrogacy via artificial insemination, type of artificial insemination subject matter have been discussed. This chapter also deals with what are the main causes of both types (infertility and commercial) of surrogacy in India? What are the main provisions regarding the lawfulness of commercial surrogacy around the world? What is the present status of commercial surrogacy in India? And what are the demerits or disadvantage of surrogacy?

Along these lines the main purpose of this new development is to make it possible to capture many of the most interesting parenting lessons. Here are general observations of couples using contraceptives to beat:

- A man who cannot create sperm and his wife need to have a baby. She is associated with sperm from a mysterious benefactor, thinker, and give birth to a child.
- A woman who cannot produce eggs and her husband need to have a baby. They employ women to be brought in by the sperm of their spouse, and she gives birth to a baby.
- A woman can make eggs for herself but she can pass on the baby to her. She and her husband "rent the womb" of other women and touches the embryo made from the construction of a mate's sperm cell and another important egg.
- A Lesbian couple needs to have a baby. One of the females lays an egg, and after it has been fertilized by the sperm she gives it, the embryo is inserted into her womb to accompany her.
- A couple wishing to have babies cannot bring any sperm or eggs to the baseline. So the female sister gives the egg and then her husband's child gives the sperm. The treatment takes place in vitro, that is, outside the uterus, and then the implanted organ is transferred to the couple's partner, which transmits the tyke.

SURROGACY: ETHICAL, SOCIAL, ECONOMIC AND HEALTH ISSUES

Surrogate Pregnancy and Surrogate Motherhood is a subject of extraordinary level headed discussion around the world. Investigating the gravity of the matter the analyst has chosen to feature the Demerits of Surrogacy in a thorough way like Moral/Ethical issues, Social issues, Economic issues, Emotional/Psychological issues, Health issues, and Mother and Child Legal issues.

Surrogacy involves child trafficking and includes the sale of children while law does not permit in this way. Besides these issues surrogacy raises moral issues about the dignity of the child as it transforms it into the result of a market connection. Some other issues arise from this practice like regenerative labor practice which is an unethical practice and it is very difficulties to religious dogmas. Along with same surrogacy is against to god and catholicism and natural law does not permits such type of practices.

Overcrowding, the modern system of reducing infertility, exploits these social values and influences the general public. How about when we talk about these issues are a variety of topics such as Postmodernism, Social Weakness, Divorce, Social Discrimination, and Adverse Effect on Society: Single Parenthood, Sexual Choice, Ethnic Divorce, Selected Reproduction, Social and Ethnic Discrimination, Birth and Treatment Issues? Feebleness of Social Structure, Dividing Motherhood, Social Stigma, Negative effect on, Society: Single Parenthood, Sex Selective Surrogacy, Hereditary Diversity, Selective, breeding, Social and Racial Discrimination, Paternity and Medical problems are social issues in this regards etc.

Taking after are the different Economic Demerits of Surrogacy particularly in Indian Scenario like, worries of Exploitation, loss to the economy, surrogacy contracts, expensive process and booming business.

Worries of exploitation, misfortune to the economy, surrogacy Contracts and 228th Law Commission Report are very important issues in this regards.

Regarding the topic of my research studies it reveals that my work should emphasize the Surrogacy Socio- Legal challenge of India. So my main concern is to talk about the legal issues that are prevailing in our country. So, researcher will try to short out some important legal issues likewise Infringement of Surrogate's Rights, Natural Rights, contrasts of opinions and Control, Control of way of life and Confining Sexual Activity etc. Violation of Surrogate Child Rights also will discuss under the same chapter with few important heads like Natural Rights, Fundamental Rights: Unlawful Contract and Conflicting with other laws. Pro and Cons of Surrogacy will be also important figure of this particular chapter.

SURROGACY: LEGAL PROSPECTIVE

The present head deal with concept and provisions regarding surrogacy in global scenario. Present status of commercial surrogacy in India is also subject matter of this chapter and that is deal with commercialization of surrogacy arrangement and status of commercial surrogacy in India. The legal issues under personal, property and successive laws are also important part of discussion under this chapter. Legal status of surrogate mothering arrangement, legitimacy of surrogate child, surrogate mothering and consummation of marriage, custodial rights over surrogate child, inheritance rights of surrogate child and law relating to surrogate mothering abroad part of this legal issues.

In Global Prospective researcher will try to discuss the various international conventions, declaration, agreements and treaties. Laws of Various Countries are most significance part of this head. Among the countries that have issued surrogacy systems, some countries, including Germany and Italy, prohibit all forms of surrogacy. In countries like the best legal practices in some countries regarding surrogacy like Australia, Queensland, Victoria, Tasmania, California, Canada, China, Finland, France, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Netherlands and Belgium, New York, New Hampshire, New Zealand, Pakistan, Portugal, Russian Federation, Saudi Arabia, Serbia, South Africa, Spain, Sweden, Switzerland, Thailand, United Kingdom and United States atc also have been discussed under this head. The ICMR Rules on Surrogacy, National Legal Prospective, Administrative Developments, ICMR Guidelines, The ART Regulation Bill, 2008, 228th Law Commission Report of India, 2009, The ART Regulation Bill, 2010, The ART Regulation Bill, 2013, The Surrogacy (Regulation) Bill, 2014, The Surrogacy (Regulation) Bill, 2016 and The Surrogacy (Regulation) Bill, 2019 have been discussed under this head.

ARUNACHAL PRADESH

North- East is not exception of this problem. The cases and extent of surrogacy in north east India is low in comparison with other states of India. Now let us examine the Social Scenario of Surrogacy in reference to some specific states which are as taking after- Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura.

Arunachal Pradesh is the state of rising sun in India having most versatile cultural state of North East along with Indian States. Approx 25 major and 175 minor's tribes' live in Arunachal Pradesh. They have different culture and traditions. The maxim unity in diversity fully proved here. For all Indians, the family is the most vital social unit.

There are many benefits to take IVF treatment in the capital of Arunachal Pradesh, Itanagar. We can find versatile infertility treatment in Itanagar very easily. Regarding the IVF treatment in Itanagar we can find three best packages that are basic IVF treatment package, the advance pack and additional treatment pack. Few IVF Clinics in Arunachal Pradesh have been identified in Arunachal Pradesh.

SURROGACY: WOMEN, CHILD, GAY AND TRANS GENDER PARENT

Surrogacy: Women, Child, Gay and Trans Gender Parent will be very most important chapter of the present research work. Basically this chapter will three main heads first deal with the women's rights against surrogacy under this head researcher will discuss the meaning and concept of surrogate mother,

rights of surrogate women, right to informed about the consent to surrogate mother, the right to the cost of pregnancy and hospital treatment, the right to reasonable insurance costs, the right to compensation, the right to remain anonymous and the right to visitation.

The second part of this chapter will deal with child's right against surrogacy under this head researcher has discussed about the meaning and concept of surrogate child, surrogacy and the rights of the surrogate child, right to know his origin, right to maintenance, right to inheritance and right to citizenship of surrogate child.

Third part of this chapter will deal with the rights of LGBT and single parents and fourth part is concern with the right of transgender against surrogacy is the unique discussion of this chapter. Their fundamental rights like right to life, personal right to privacy and human right is subject matter of this chapter.

JUDICIAL PRONOUNCEMENT

In 2008 India supported commercial surrogacy after the decision of Baby Manji case. After few years Jan Balaz case came into lime light. In modern India there are various issues have been discussed by several courts time to time. Some of them are as Baby Manji Case, Jan Balaz Case, B.K. Parthasarthi v. Legislature of Andhra Pradesh, Jack T. Skinner v. Agreed to Oklahoma's Javed and Ors v. S/ Haryana, and Stephanie Joan Becker v. State etc. Some important decisions passed by various Indian courts which is directly or indirectly associated with surrogacy problems they explain and interpret the same issue like *Menka Gandhi* (1978) case on personal liberty, *Puttuswami* (2017) case on right to privacy 2017, *Joshep Shine* (2018) case on adultery and finally *Navtej Singh Johar* case (2018) are mile stone judgements to protect the right of LGBT community and single parents and divorced person about the surrogacy are the best part of the chapter.

RESEARCH OBSERVATION, DATA ANALYSIS AND INTERPRETATION

The researcher will try to make a chapter in her research work "Observation, Data Analysis and Interpretation" that deal with research observation whatever researcher has been found after over all discussion on aforesaid topic as a first part of this chapter. Second part of this chapter deal with data analysis and interpretation. In this regard researcher will made a questioner with some leading questions on surrogacy specially issues relating to the context of Arunachal Pradesh on research topic and shares the same with the face to face and online share. On behalf of collected data researcher will try to analyze the same and interpret them with the help of table, figure and their analysis.

CONCLUSION

This concluding remark is not the end of research journey about the surrogacy subject matter fighter it may be a legal and social or may be medical aspects. On the basis of whole research researcher will draw a scratch as conclusion and then after made some fruitful suggestions. In this regards researcher hope that the suggestions made by her will be incorporate in the policy making process by the Parliament, State Legislatures and other National Agencies. There should be a different Law for Surrogacy in India'. The researcher believe and agree that poverty and illiteracy is the main reasons which force the women to act as surrogates. Surrogacy being a contractual arrangement to transfer a baby in future, it could be interpreted as sale of baby for consideration, so it is qualifying as trafficking and contract".

SUGGESTIONS

To finish up the present research concentrate the researcher might want to make certain recommendations with respect to the questions emerged in the act of surrogacy. To evade the complexities required in surrogacy, India needs an extensive enactment for the control of the practice of surrogacy, and the recommendations for such enactments are as Commercial Surrogacy must be completely ban; Adoption process must be promoted; Ban of Private Hospitals; Sex Selective Surrogacy and Abortion must be

prohibited; Surrogacy must be allowed to LGBTQ, Single Person and couple living in Live; Protection of Right to Health; Uniformity of provisions regarding surrogacy; Term close relative must be defined; Time period must be increases to intended couple; Protection of Right's of Twins; Insurance Policy is not clear; Consequences after delivery of child; Uniformity in Law; Protection of General Rights of Surrogate Child; Appointment of Arbitrator; Ban of Surrogacy Advertisement; There should be Surrogacy Agency; Surrogacy ought not to be accommodated the individuals who can create a youngster in customary way; Media and NGOs must promote surrogacy and maternity relief must be granted to surrogate mother etc.

REFERENCES AND BIBLIOGRAPHY

1. The Associated Press (2007-12-30). "India's surrogate mother business brings up issues of worldwide morals". Day by day News. Recovered at July 07, 2010
2. The 228th report of the Law Commission of India , August 2009
3. Council of Europe; Surrogate Motherhood, Written declaration No. 522 | Doc. 12934 | 04 July 2012 Available at <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=18975&lang=EN>
4. Surrogacy law in India, Progressive health, Nov 16, 2014, available at <http://www.progressivehealth.in/surrogacy-law-in-India.html> last visited on Jan 5, 2015.
5. Draft of the Surrogacy (Regulation) Bill, 2016 & 2019
6. Malhotra, Anil and Malhotra, Ranjit, *All Aboard for the Infertility Express*, Commonwealth Law Bulletin, March 2012, Vol. 38, No.1, pp.31-41.
7. Chauhan, B.S., Law, Morality & Surrogacy – with Special Reference to Assisted Reproductive Technology, *Nyaya Deep*, Vol. XIII, Issue 4, October, 2012, pp.3-17.
8. Sarkar, Babu, Commercial Surrogacy: Is it morally and ethically acceptable in India?, 2011, *The Practical Lawyer*, December, S-11.
9. Thapa, Jwala D, Analysing the Status of the Surrogate Mother under the Assisted Reproductive Technologies (Regulation) Bill, 2010, NUJS Working Paper Series, NUJS/WP/2012/01.
10. Srinivas, M., Assisted Reproductive Technology: Legal Issues, *Andhra Law Times*, 2010, Vol. 4, p.25.
11. Rao, Mamta, *Surrogacy: The Ethico-Legal Challenge*, January 2012, Vol. XIII, Issue-1, pp.12-22.
12. Chawla, Monica, *Surrogacy: A Need for a New Law*, *Civil and Military Law Journal*, 2009, Vol. 45, p.189.
13. Adhikari, Nandita, *Law and Medicine*, Central Law Publications, Allahabad, 3rd ed. 2012.
14. Dubey, Anil K., *Infertility: Diagnosis, Management and IVF*, Chapter-27, 2012 ed., Jaypee Brothers Medical Publishers (P) Ltd., New Delhi
15. Malhotra, Anil and Malhotra, Ranjit, *Surrogacy in India: A Law in the Making*, Universal Law Publishing Co. Pvt. Ltd., New Delhi, 1st ed. 2013.
16. Dasgupta, Sayantani and Dasgupta, Shamita Das, *Globalization and Transnational Surrogacy in India: Outsourcing Life*, Lexington Books, Maryland, USA, 2014 ed.
17. Surrogacy laws by country, available at http://en.wikipedia.org/wiki/Surrogacy_laws_by_country
18. Seema Mohapatra, Stateless Babies & Adoption Scams: A Bioethical Analysis of International Commercial Surrogacy, 30 *Berkeley J. Int'l Law*. 4,12 (2012). Available at: <http://scholarship.law.berkeley.edu/bjil/vol30/iss2/4>
19. Law commission report, Surpa note 37, Chapter
20. Pritha Chatterjee, Mayura Janwalkar, *The great Indian egg bazaar*, *The Indian Express*, February 9, 2014
21. *Rohit Shekhar v. Shri Narayan Dutt Tiwari & Anr.*, [2011] INDLHC 4637 (23 Septembe2011).
22. Child/Bremner/Volume_I/40_P3_I_B_The_Legal_Status_of_the_Child.html> Visited on 20.6.2012
23. *"Supreme Court sets aside Delhi High Court judgment in Naz Foundation; Declares S.377 to be constitutional"*
24. *Menka Gandhi v. Union of India*, AIR 1978 SC 597: (1978) 1 SCC 248:
25. *Justice K. S. Puttuswami (Retd.) v. Union of India* (2017)10 SCC1
26. *Joshep Shine v. Union of India* (2018) SCC Online SC 1676
27. *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321