

Panel 40: Reproductive Tourism in India: Ethical and Legal Concerns

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Abstract: Assisted reproductive technology (ART) treatments such as in-vitro fertilization IVF and surrogate birthing with the assistance of gestational mothers has recently emerged as a rapidly growing reproductive tourism enterprise in India attracting couples from America, Australia, Europe and other continents. ART raises a wide range of issues – medical, social, and ethical issues such as the changing concept ‘motherhood’ and ‘family’, ‘mother-child bonding’, maternal health and objectification of the surrogate body, There are further concerns about rights of the mother and child and the disparity between the public health infertility services provided to local couples in comparison to the high-tech facilities provided to couples form abroad. India is at a stage of legalising surrogacy through the ART (Regulation) Bill 2008 drafted by Indian Council of Medical Research (ICMR). This session welcomes theoretical approaches, methodological discussions and application of transdisciplinary knowledge in exploring the medical legal, cultural, moral and ethical challenges involved in the transnational surrogacy process in India. The session would address the following questions; What is the rationale and motivation behind the legal provisions and whose interests do they protect?, How effectively will the legal guidelines be enforced, monitored or amended?, How does the legal regulations and social system protect the autonomy of gestational mothers, commissioning parents and the babies born through this arrangement?, Is there a changing perception of the concept of ‘motherhood’ and ‘family’ with the introduction of new reproductive technologies?, How is psychological/mental health of gestational mothers protected?, To what extent is revenue from reproductive tourism flowing into the public health services for local infertile couples?

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