

GOVERNMENT OF INDIA
MINISTRY OF WOMEN & CHILD DEVELOPMENT

RAJYA SABHA
UNSTARRED QUESTION NO. 2225
TO BE ANSWERED ON 19.03.2025

CHALLENGES FACED BY SURROGATE MOTHERS

2225 DR. KANIMOZHI NVN SOMU:

Will the Minister of Women and Child Development be pleased to state:

- (a) the details on the challenges faced by surrogate mothers, including health, emotional, and financial issues during and after the surrogacy process;
- (b) the systems or legal frameworks currently in place to protect the rights of surrogate mothers, ensuring their safety, dignity and well-being throughout the process; and
- (c) the steps taken by the Ministry to provide adequate healthcare, psychological support and compensation for surrogate mothers and the manner in which Ministry plans to address gaps in the protection of their rights?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SAVITRI THAKUR)

(a) to (c): The legal framework governing surrogacy is "the Surrogacy (Regulation) Act, 2021". The Act regulates surrogacy practices to prevent exploitation of poor vulnerable women who might be coerced into becoming surrogate mothers for financial reasons. The provisions of the Act seek to prevent commercialization of surrogacy and ensure safe and ethical practices of surrogacy services in the country. Details of legal and medical requirements to be abided by the Surrogate mother and the commissioning parents (indenting couple) are given under various Sections of "the Surrogacy (Regulation) Act, 2021" particularly sections 4, 5, 6, 8, 10 and 38. The Act, inter- alia, provides for insurance coverage for period of 36 months covering postpartum delivery complications, including compensation for medical expenses, health issues, specified loss, damage, illness or death of surrogate mother and other prescribed expenses incurred on the surrogate mother during the process of surrogacy. Provisions are there for medical and psychological fitness, mandatory written informed consent in local language of surrogate mother, conditions under which surrogate mother may be allowed for abortion, penal provision for exploitation of surrogate mother, medical indication for undergoing surrogacy, relinquishment of parental right etc. The Surrogacy (Regulation) Act, 2021 mandates that surrogate mothers receive comprehensive healthcare throughout the pregnancy, with all medical expenses covered by the intended parents.

The provisions under Section 4 of the Act provide that a willing women can act as surrogate mother not more than once in her lifetime.

The Surrogacy (Regulation) Act, 2021, and the Rules and Regulations made there under are implemented by the Department of Health Research under Ministry of Health and Family Welfare in order to ensure that the rights, safety and well-being of Surrogate Mothers are well protected.
