

Sociological Analysis of Surrogacy in India

- Surrogacy is one of the important new reproductive technosciences that contributes to medicalization of motherhood, **providing an alternative method to natural fertility as well as a resolution to infertility.**
- According to sociologists, medicalization is a multidimensional process by which natural and non-medical problems or conditions become defined, treated and managed as medical problems, using specialized vocabulary, professional approaches, particular instruments and interventions techniques.
- **Surrogacy serves to turn motherhood, a natural and vital experience in women's life.**
- **Sociological analyses show that** the alternative methods to natural fertility or new paths to cure infertility including surrogacy are **socially constructed** and have numerous and far-reaching sociological aspects and implications.
- The novel technosciences like surrogacy **play a central role in dealing with, redefinition and accordingly construction of human problems and experiences.** Surrogacy, inter alia, **introduces the new form of medicalization of motherhood by blurring the distinction between what is natural and what is made by mankind on the subject of motherhood.**

Social issues :

Social & ethical issues that have been raised with regards to surrogacy include:

- (i)** To what extent should society be concerned about exploitation, commodification, and/or coercion when women are paid to be pregnant and deliver babies, especially in cases where there are large wealth and power differentials between intended parents and surrogates?
- (ii)** To what extent is it right for society to permit women to make contracts about the use of their bodies?
- (iii)** To what extent is it a woman's human right to make contracts regarding the use of her body?
- (iv)** Is contracting for surrogacy more like contracting for employment/labor, or more like contracting for prostitution, or more like contracting for slavery?
- (v)** Should the state be able to force a woman to carry out "specific performance" of her contract if that requires her to give birth to an embryo she would like to abort, or to abort an embryo she would like to carry to term?
- (vi)** What does motherhood mean?
- (vii)** What is the relationship between genetic motherhood, gestational motherhood, and social motherhood?
- (viii)** Is it possible to socially or legally conceive of multiple modes of motherhood and/or the recognition of multiple mothers?

(ix) Should a child born via surrogacy have the right to know the identity of any/all of the people involved in that child's conception and delivery?

- The answer to such issues varies according to different cases and the interests of partners involved in this whole process of surrogacy.

Surrogacy in India :

- India recently announced a **ban on surrogate services for foreign couples** and notices have been sent to fertility clinics to not accept any more overseas clients.

- India was among only a small number of countries that allowed commercial surrogacy - paying a woman to bear someone else's child - and so it has become a major hub as thousands of couples flock to the country in the hope of having a baby.

- India was becoming a major hub for surrogacy because it's easy to find women here who are willing to be surrogates, there's good medical technology and it's cheap.

- It had grown into an industry worth \$2.3bn and according to official estimates, 5,000 surrogate babies were being born here every year.

- But **India's government believes that poor, illiterate women are being exploited.**

- Indian society is considered to be economically feeble, but ethically and traditionally it is very potent. It is a society which boasts of its ideologies and its anxiety for the welfare of all. **The question arises, how a country with such an ideology can legalize renting or loaning a womb of a women's body.**

- The labor of bearing a child is more intimately bound up with a women's identity than other types of labor. **The work of pregnancy is long term, complex and involves an emotional and physical bonding between mother and fetus.**

- Commercial surrogacy in India, dubbed as the **"surrogacy capital of the world"**, is projected to become a whopping US\$2.3 billion industry by 2012 . **In India poverty rate is 32.7%**, i.e. this no. of people lives below the International poverty line thus, and such high level of poverty level makes Indian citizens prone to exploitation from the western countries.

- The question here arises is that **if the Indian government is legalizing renting the women's womb that why we can't we legitimize the renting of women's body** i.e. prostitution. Or selling and buying of organs. Transplantation of Human Organ Act, 1994 has banned the sale of human organs, organ loaning , but the legalization of commercial surrogacy as per Assisted Reproductive technology Bill, 2010 is rendering the above act void.