



We found out about Surrogacy in India after years of painful disappointment including several miscarriages and failed cycles in the USA and finally were told that I could never carry a pregnancy to term because of problems with my uterus. With lots of research and communications with several clinics all over India through Internet and various blogs we decided to opt for the Kiran Infertility Centre, Hyderabad, India and couldn't be happier about our

decision. We started our journey around April of 2011 by signing our agreement and providing our gametes for IVF and embryo transfer. We knew this was meant to be when we got pregnant at the very first attempt! New parents and without knowing much about surrogacy we had many questions that Dr. Samit Sekhar and our case manager Anjani kumar answered with patience and understanding. We waited anxiously for the ultrasounds and reports of our baby every week and before we knew, we were part of the thousand strong family at the Kiran Infertility Centre and sharing with several couples like ourselves the most important experience of our lives. Our baby boy Joshua was born a few weeks early and although that created some anxiety on our side, the support of everyone at the Kiran Infertility Centre was what we expected and more. We can't thank enough Dr. Samit Sekhar, Dr. Kiran Sekhar, Dr. Pratima Grover and case manager Anjani Kumar and everyone else who helped us become a family. We are planning on a brother or sister for Joshua soon and, Kiran Infertility Centre is where we will go for that!

### QUICK FACTS

**Parents:** Claudia & Edison

**Country:** USA

**Doctor:** Dr. Samit Sekhar

**Clinic:** Kiran Fertility Centre (P) Ltd., Hyderabad, India

**[www.kiranivfgenetic.com](http://www.kiranivfgenetic.com)**

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Talking to *Jyothi Venkatesh* at his bungalow Mannat, **Shah Rukh Khan** talks about how he and his family had coped with the anxiety over his son AbRam's health till he came home to his bungalow Mannat and his exuberation at the unprecedented success of his latest film CHENNAI EXPRESS.

“ Amidst all the noise that has been going around, the sweetest is the one made by our new-born baby, AbRam ”

*Tell us something about the latest arrival ion Mannat- your son AbRam?*

Amidst all the noise that has been going around at our bungalow Mannat, the sweetest is the one made by our new-born baby, AbRam.

*How is the health of AbRam?*

He was born prematurely by several months but has finally come home. My wife Gauri, my son Aryan and daughter Suhana and our whole family have been dealing with his health issues for a long time now.

*Why did you not prefer to talk about AbRam when the media hounded you some time back?*

As a family our silence on this subject has been because of the personal nature of emotional strife that we have been going through due to his health.

*How did you cope up with the critical situation when AbRam's health was not improving?*

Though as trying were the times, we never lost hope that life always brings with it. It is thanks to Dr. Jatin Shah for his expertise and contribution that AbRam became hale and hearty. We also wish to thank all the other doctors, nurses and medical staff who have made his life possible.

*There were a lot of speculations in the media that you had opted for sex determination for your child?*

Just to put the record straight there was no sex determination for our child. The baby was born much before the speculations of 'sex determination' and other 'issues' pertaining to the same were being raised in the media by some organisations.

*You stand vindicated now though the media had accused you earlier?*

Suffice to say his coming home puts to rest completely false and at times insensitive claims of sex determination and alleged illegalities, but then it is our duty to apologise to all those other doctors and hospitals, who had to face unwanted scrutiny and questioning by some parties.

*Can you divulge more details about AbRam?*

Our son is a surrogate baby and the entire process is bound by strict confidentiality. We would appeal to all, to allow us to cherish this private moment as a family.

*What is your biggest regret after the arrival of AbRam in your life?*

It seems unfortunate that I have to explain/clarify so many aspects for our new-born baby. We wish it were just a simple message of happiness on behalf of the family.

*What next on the home front?*

They say a baby is God's opinion that the world should



go on. Post this statement, I hope we all move on too.

*Do you think Rohit Shetty is capable of making a romantic film?*

What is sweet about this film is that it sets out to convey the subtle message that when a boy and a girl are in love, there is absolutely no need for any language for communication between them.

Rohit is the only brand director in our country, the way Yashji was earlier. I wanted to be part of Rohit's world and hence I asked him to direct CHENNAI EXPRESS for me. I'd not at all hesitate to go on record to say that he is India's answer to Christopher Nolan and Woody Allen, because he makes films on a big scale.

*How tough was it for you to study Tamil to get into the skin of your role in CHENNAI EXPRESS?*

In the last two decades of my career as an actor, I have worked with quite a few Tamilians like A.R. Rahman, Mani Ratnam, Mani Kandan and Malayalis like Santosh Sivan and Resul Pookutty and hence I was not unfamiliar with the language, though it did take me some time to learn my dialogues in Tamil.

*Do you think that filmmaking has seen a sea change over the last 67 years ever since we became Independent?*

There has definitely been a paradigm shift as far as approach is concerned. It is definitely for the better, because we have to keep pace with the change in times. Why should we keep on making the kind of patriotic films which were valid at that point of time, because, besides the fact that the masses have to face different issues these days, the generation of actors also have come who have an entirely different line of thinking. When Amitji strode on the scene with ZANJEER, the entire nation started playing to the tune of the angry young man but when the economy of the country was in good shape in the 90's, the pyar mohabbat era came along. Today what plagues our country is over information and under utilization of the right information.

*What next?*

My next film as a producer will be Happy New Year to be directed by Farha Khan. It is a modern patriotic film starring me and Deepika Padukone with Boman Irani, Abhishek Bachchan and Vivan Shah.



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*Get your fertility facts straight, because, contrary to popular belief, getting pregnant is not always easy.*

When a couple is diagnosed as infertile, initial thoughts are often directed toward the woman. She can't conceive. She is somehow incomplete. But the reality is that infertility factors are equally shared between men and women. What's more is that men's infertility is a common concern. The idea that infertility is entirely a women's issue is just one of a few recycled myths regarding the ability to conceive. Here are a few more.

***Having sex daily will increase your chances of conception***

For many men out there, debunking this common myth may be cause for commotion (warning: may result in less sex). The truth is that conceiving is all about timing. Generally, the best time to conceive is from the 11th to the 17th day of a woman's menstrual cycle. Since a man's sperm can live for 48 to 72 hours in a woman's reproductive tract, having sex daily will therefore do little to improve fertility - a notion confirmed by a recent study that found no difference in pregnancy rates between couples that had sex daily and those who had sex every other day. Another study suggests that daily sex may improve the quality of sperm, so while it may not increase your chances of conception, it might not hurt either.

***Men don't have fertility cycles***

Generally speaking, the time of year and time of day can affect a man's sperm count. Sperm counts are higher in the winter and lower in the summer, possibly because sperm production is increased in cooler temperatures. Sperm counts for men are also highest in the morning, mirroring the time when male hormone levels are also at a daily high. Despite these observations, experts do not really agree whether the time of day or year have an effect on fertility rates when looking at the big picture.

***Bicycling doesn't affect fertility***

Before you take a crowbar to your bike in anger, this myth needs a little explanation. Sitting on a bicycle saddle for more than 30 minutes at a time - especially if wearing tight bicycle shorts - raises scrotal temperatures and temporarily affects

sperm production. It's the raising of scrotal temperatures that is mostly to blame. This is why it is ill-advised for men to frequent the hot tub or sauna when hoping to conceive. Even sitting with a laptop on your lap for prolonged periods may decrease sperm counts. The key is to take frequent breaks from sitting, and when cycling, choose a seat that's not too hard or narrow and adjust it so that the weight is on your butt bones.

***Lubricants won't speed up sperm***

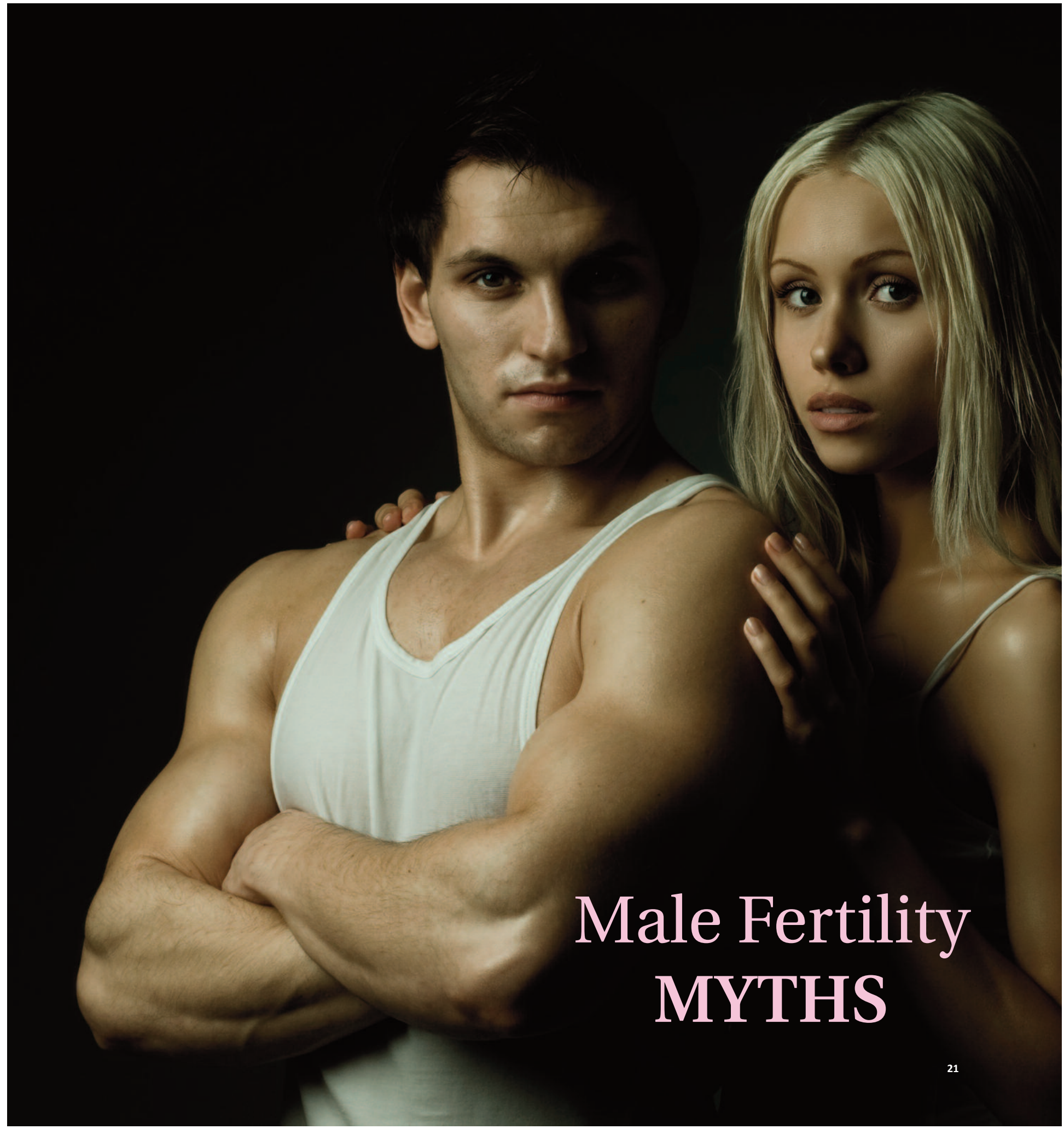
Lubricants decrease friction, which increases the pleasure of sex, but they won't help you get pregnant. In fact, using lubricants can actually be counterproductive as they can interfere with sperm motility and may have ingredients that are toxic to sperm. The same is true for lotions and even saliva. Despite this, many couples rely on lubricants for sex; steer clear of all such products when attempting conception. If an alternative is needed, vegetable oils are sometimes recommended to couples, but a doctor should be consulted in determining the best available option.

***When it comes to weight, only an excess affects sperm***

Most men know that obesity can affect sperm production, but the lesser-known fact is that being too thin can reduce sperm count as well. Being underweight is believed to affect sperm because it is linked to hormonal imbalances as well as malnutrition. Findings from studies showed that men with an optimal BMI (Body Mass Index) of 20 to 25 had higher levels of normal sperm than those who were either overweight or underweight. If you have a low BMI then it may not be a bad idea to discuss healthy ways of gaining weight with a nutritionist or doctor.

***Get busy with the facts***

Infertility is a topic shrouded in myth and misconception. The few misconceptions presented here only scratch the surface and it should therefore be the prerogative of any prospective parent to get their facts straight before attempting conception. Because, contrary to popular belief, getting pregnant is not always easy.



# Male Fertility MYTHS



# MY INCREDIBLE JOURNEY AT KIRAN INFERTILITY CENTRE

By Bret and Anna Parker



We had been married for 3 years when I had an operation which led to us not being able to have biological children the natural way. We started to look into possible infertility centers in India. It was fantastic having someone local (Hyderabad) who could actually have a look at prospective clinics and finally recommended Kiran Infertility Center in Hyderabad because the first impression he had of the clinic was very professional and helpful. Unfortunately, I had only produced two reasonably good eggs which ultimately failed to lead to a pregnancy. We were devastated, but the clinic gave us the option of using an American egg donor they had worked with successfully before. We were sent a picture of the lady with her beautiful girl. We immediately had the feeling that this was the right choice for us. The lady travelled to Hyderabad a few weeks later, three good quality eggs were implanted into our surrogate and two weeks later we received the fantastic news - we were

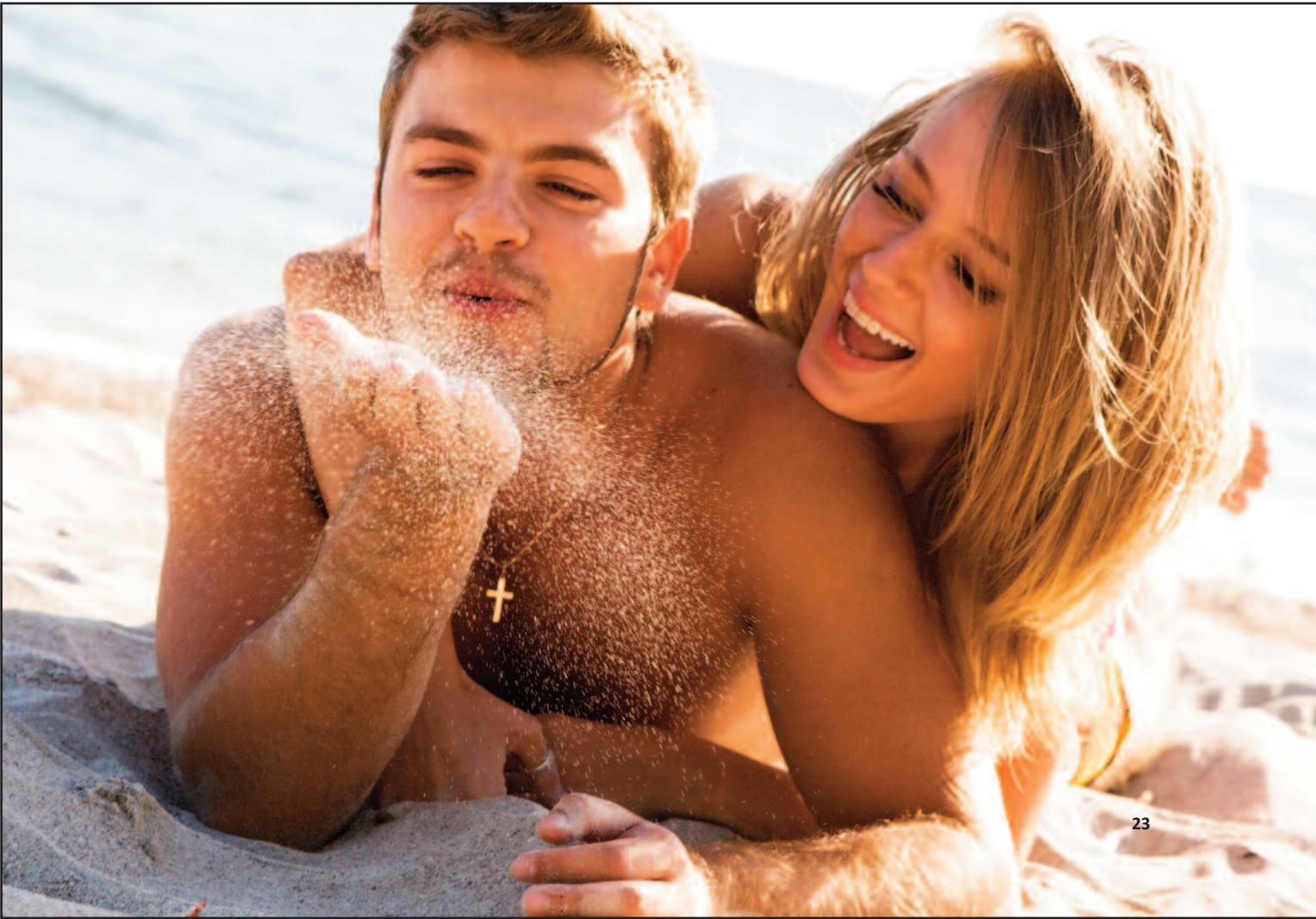
pregnant!!! At the end of February we travelled to Hyderabad again and on March 1 we finally met our two beautiful boys. As they were four weeks premature they had to spend 4 days at a state of the art children's hospital just around the corner from the clinic where they were looked after perfectly. We then had to apply for passports for our sons which was a relatively lengthy process, but we got all the support we needed from Dr. Samit and his team. We are now back home with our boys and can not imagine life without them anymore. We are so glad we decided to go ahead with the surrogacy process at Kiran Infertility Center and will always be grateful to everyone involved in making our dream come true - everyone at the clinic, the egg donor and of course the lady who was prepared to give us the most precious gift of all - a family of our own! To get in touch with Bret and Anna, contact [Bret.Anna@yahoo.com](mailto:Bret.Anna@yahoo.com)

## Recharge and Relax NATURALLY

In today's impatient and fast-paced society, stress seems to have become a constant factor. If left unchecked, it can damage our physical and mental health. Learning how to effectively manage stress can mean the difference between being robust and full of life, or becoming susceptible to illness and disease. Stress can weaken the immune system and accelerate the aging process. The ability to relax and rejuvenate promotes wellness, vitality and longevity. A healthy immune system regulates our body's healing process and protects it against infections and diseases. When stress compromises our immune function, it can result

in colds, flu, fatigue, cardiovascular disorders and premature aging. This, in turn leads to increase in anxiety and depression. Protecting the immune system is a vital part of living longer, feeling younger and being healthy. Beat stress and slow down the hands of time with these natural remedies. **1. Walking** and physical activity Regular exercise and a physical activity like dancing, gardening, cycling, swimming, or weightlifting strengthens your immune system, cardiovascular system, heart, muscles and bones. It also stimulates the release of endorphins, improves mental functioning, concentra-

tion/attention and cognitive performance, and lowers cholesterol, blood pressure, cortisol and other stress hormones. Three 10-minute workout sessions during the day are just as effective as one 30-minute workout, and a lot easier to fit into a busy schedule. **2. Yoga** and stretching The slow movements and controlled postures of yoga improve muscle strength, flexibility, range of motion, balance, breathing, blood circulation and promote mental focus, clarity and calmness. Stretching also reduces mental and physical stress, tension and anxiety, promotes good sleep, lowers blood pressure and slows down your





heart rate.

**3. Hand hygiene.** The most effective measure in preventing the spread of microorganisms that cause infections is good hand hygiene. Washing your hands with soap and water as soon as you come home and always before you eat greatly reduces your exposure infections. In case you cannot wash your hands when you are away from home, carry hand wipes or sanitizers with you to control microbial exposure and transmission.

**4. Laughter and humour.** There is truth to the saying that laughter is the best medicine. Laughing re-

duces stress hormones like adrenaline (epinephrine) and cortisol and benefits your immune system by increasing the number and activity of Natural Killer T-cells. These cells act as the first line of defence against viral attacks and damaged cells. Find humour in things and engage in activities that make you laugh.



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**5. High nutrient diet.** Eat foods rich in antioxidants (like vitamins A, C, E and lycopene), omega-3 fatty acids, and folate. Antioxidants fight and neutralize free radicals that damage cells and cause heart disease, cancer and premature aging. Omega-3 fatty acids (a polyunsaturated fat) help in preventing and controlling high cholesterol, hypertension, heart disease, stroke, cancer, diabetes, depression, inflammatory and auto-immune disorders.

Folate prevents age-related cogni-



tive decline, damage to blood ves-

sels and brain cells by lowering homocysteine levels. It also ensures DNA integrity (important as we age and when pregnant) and promotes healthy red blood cells. Foods sources rich in these three magical nutrients are as follows: Antioxidants - pumpkin, sweet potatoes, carrots, grapefruit, blueberries, strawberries, watermelon, oranges, capsicum (red and green), tomatoes, broccoli, sunflower seeds, almonds and olive oil. Omega-3 fatty acids - ground flax seeds, walnuts, salmon, soybeans and pumpkin seeds.

Folate - dark green leafy vegetables (turnip greens, mustard greens, spinach, lettuce, etc), beans, legumes, asparagus, Brussels sprouts, beets and lady finger.

**6. Music.** Listening to your favorite music is a great method of reducing stress and relieving anxiety. Your preference in music determines which types of soothing sounds will best reduce your tension, blood pressure, and promote feelings of tranquility. Pay attention to how you feel when you hear a particular song or genre of music, and keep listening to the ones that produce a relaxing effect.

**7. Sleep.** Getting enough sound sleep has a profound impact on your stress levels, immune function and disease resistance. A chronic lack of sleep can leave you feeling sluggish, irritable, forgetful and accident-prone. You will have difficulty concentrating or coping with life's daily aggravations. Long-term sleep loss can also result in heart disease, stroke, hypertension, de-

pression, and anxiety. Sleep time is when your body and immune system do most of its repairs and rejuvenation. Strive to get 7-8 hours of sleep each night.

**8. Positive thinking.** Optimism can counteract the negative impact stress, tension and anxiety have on your immune system and well-being. Having a positive attitude, finding the good in what life throws your way and looking at the bright side of things enhances your ability to effectively manage stress.

**9. Tea.** Regularly drinking tea throughout the day can help strengthen your immune system and your body's ability to fight off germs and infections. Both green and black teas contain a beneficial amino acid called L-theanine, which can increase the infection fighting capacity of gamma delta T cells. L-theanine also promotes a sense of relaxation, calmness and well-being by influencing the release and concentration of neurotransmitters (like dopamine, serotonin and GABA) in the brain.

**10. Hydrotherapy.** Relaxing in a hot bath relieves sore muscles and joints, reduces stress and tension, and promotes a good night's sleep. Add some soothing music, soft lighting and naturally scented bath salts or bubble bath/bath foam to create an inexpensive and convenient spa experience in the privacy of your own home.

#### HEALTH RECIPE

To get you started on immunity-boosting nutrients, try this recipe from Monique N Gilbert. It is high in antioxidants, fiber and Omega-3 fatty acids.

**Banana Strawberry Power Smoothie**  
1 frozen ripe banana  
1 cup strawberries (fresh or frozen)  
1/2 cup orange juice  
1/2 cup soymilk  
2 tablespoons canned pumpkin  
1 tablespoon ground flax seeds  
1 tablespoon honey (optional)  
Blend all ingredients in a food processor or blender for 1-2 minutes, until smooth and creamy. Enjoy! Makes about 2-3/4 cups (2 servings)

# MIRACLE MOTHERS

*Surrogacy is the last option for infertile couples. India, since 2002, developed into the surrogacy destination of the world. Recent events however threaten this unregulated industry as a whole, the livelihood of thousands of surrogate mothers and the last hope of intending parents. A misplaced moralistic bias of the western media and a knee-jerk reaction by the government has thrown the entire industry in disarray.*

*Our Consultant Editor, Ratan Mani Lal, explains the complexities...*





## A beautiful daughter for a couple from USA via KIC, India Surrogacy program

Having a child's of one's own is the most basic and overpowering desire of most individuals. This desire is universal regardless of race and community and has its roots in the very reason for human existence.

Imagine the darkness in the lives of those who for some reason – biological or otherwise – cannot have children of their own through their partner. The trauma can be killing and in pages of history there are countless tales when actually lives have been lost and people have been killed on this account.

But what if there is a possibility of a man - or a woman – to have a child of his/her own genetic make-up with the help of someone who could carry the child for the entire period of pregnancy and till childbirth, of course at a consideration?

The question has churned the minds of many a writer and at the base of many a work of fiction. But today, the practice of women carrying someone else's child for the full term of confinement has become a booming industry with many cities in India having gained prominence only because of such clinics.

According to a 2012 study by the Confederation of Indian Industry



(CII), the sector is worth \$2 billion, despite being completely unregulated. The CII study estimated that nearly 10,000 foreign couples visit India for reproductive services in over 3,000 fertility clinics across India. And nearly 30% of all such visitors are either single or homosexual. However, the actual economic scale of surrogacy in India remains unknown because of the absence of a machinery to regulate it.

Surrogacy costs in India range from Rs 8 lakh to Rs 10 lakh, or about USD 15,000. In the US, it would cost at least \$80,000, the biggest expenses being living costs for the surrogate mother, insurance and legal fees.

Surrogacy has not only arrived in India but arrived and established itself in a big way with big bucks at stake. And with this growth has

come the clamour to regulate the industry with the help of a statute Bill has gained. A draft Bill in this regard is under consideration of the Government.

If Government sources are to be believed, the law should be such that surrogacy should be an option available only to married, infertile couples of Indian origin. This leaves out foreigners, who account for 40 per cent of the surrogacy clientele, as well as gay or unmarried couples. This hyper-activism on the part of the Health Ministry to put regulatory measures on surrogacy appears misdirected, say IVF experts. Revised visa requirements introduced in July have already resulted in foreign same-sex couples and individuals being prohibited from surrogacy in India. The ART bill, expected to



come before Parliament next year, will tighten things further.

Some feel this knee-jerk reaction by the government will cause more damage than good. There is a widespread belief that the government is responding to a biased western media and certain vested interests. The problem is that western morality is clashing with Indian realities. This is not to say that there is no need for regulation. Commercial surrogacy has acquired the dimensions of an industry in India and draws thousands of foreigners every year, largely because it is unregulated and cheaper than in other countries. However, success stories from centres in Gujarat, Maharashtra or even Kolkata are accompanied by harrowing stories of exploitation from elsewhere. In many cases, it is found that surrogate mothers, mostly poor and illiterate, are often

made to live in secrecy, crowded into closely guarded "homes"

and allowed limited access to their families. In a country with high maternal mortality rates and few reproductive rights, surrogate mothers are doubly vulnerable.

However, the fact that this industry is a foreign exchange earner and gives direct and indirect jobs (and means of sustenance) to hundreds of thousands of people, has evoked strong reactions with some organizations issuing a note of caution condemning surrogacy as such and urging people to go natural. On the other end is the group of women's rights activists who strongly feel that



surrogacy is an attack on women's rights, and this commercialization hurts the rights of women to their bodies.

The debate rages on, and in its midst, hundreds of hopefuls from all over the world flock to fertility clinics in cities across India in search of surrogate women who will carry the child and deliver it to the paying parents. Experts who run surrogacy clinics reiterate that surrogacy in India is only available to women who cannot physically carry a child. It is not available to women who are too busy or too posh to push. "Such

## SURROGATE FILES - 1

Seema\*

*Team IVF India reviews the status of surrogates. We profile five such amazing mothers and their reasons for becoming surrogates...*

Seema responded to an advertisement seeking surrogates in a local paper and her life changed thereafter. It offered her an opportunity to secure her children's future which was not possible in the financial situation she was in.

She discussed the whole thing in detail with her husband, parents and even her brother and with their blessings decided to submit herself at the centre.

She is carrying a child and is well taken care of. She is happy not only because of the present but mainly because she is securing the future of her children.

She feels that more women should agree to become surrogates. However she has no desire to meet the intending parents and feels little or no love for the baby growing inside her. For her it is a bridge to a better life only.

\* Name changed



## The CSR report

The Centre for Social Research (CSR), an advocacy group for human and other rights, in a report released in 2012, provides an insight into the rise of surrogacy in India, and the emergence of India as a popular destination for couples seeking surrogate mothers. The report, titled "Surrogacy Motherhood: Ethical or Commercial" is supposed to be based on a study conducted in Gujarat.

According to Manasi Mishra, head of research at CSR and the lead author of the report, "Cheap medical facilities, advanced reproductive technological know-how, coupled with poor socio-economic conditions, and a lack of regulatory laws in India, combines to make India an attractive option" for those seeking a child through surrogacy. The report says that there is a growing



demand for "fair-skinned, educated young women" to become surrogate mothers for foreign couples. The average cost of surrogacy, according to this report, is around \$10,000-30,000 (about Rs 6 lakh to Rs 18 lakh) which includes the remuneration of the surrogate mothers, IVF costs, foods and consumables, legal and doctors' fees, delivery cost and antenatal care.

The report notes that even this cost

is found to be "Extremely reasonable" by international medical tourists, thereby prompting more couples to seek such treatments in India.

The report goes on to state the importance of passing the Artificial Reproductive Technology (2010) Bill soon, so that clear laws are in place, which will clarify the Indian government's stand on surrogacy, and will prevent exploitation of women in the name of surrogacy. It talks about the need to provide adequate health care facilities to the surrogate mother, and providing the baby with all amenities, irrespective of the nationalities of the biological parents. The legislation should also cover the rights and duties of the commissioning parents, thus covering all three concerned parties within its ambit.



comments disappoint and upset those who would have given anything to be able to carry a child and often come to India with many losses and many more hopes," says Dr Nayana Patel of Anand, who runs Akanksha, the biggest such set-up in India in Anand, Gujarat.

In fact Dr Nayana Patel can be credited for giving India the tag of the world's surrogacy capital because of the fact that many hopefuls from across the globe have travelled to her clinic in Anand and gone back happy and ever-grateful with their own child in their arms. She shot to fame in 2004 after she helped a patient have a baby by using the woman's mother (the child's grandmother) as a surrogate. She has also appeared on U.S. celebrity Oprah Winfrey's talk show in 2007. She has produced more than 500 surrogate babies - two-thirds of them for foreigners and people of Indian origin living in over 30 countries.

According to Vidhi Rathee, who wrote in [indiamedicaltimes.com](http://indiamedicaltimes.com), a health care specialization portal, a recent survey reveals that poverty is not the force behind choosing to be a surrogate mother as most of them and their husbands were already earning modest income. She says



that in fact the main reason was that surrogacy gives the surrogate mothers an opportunity to invest in something that was not possible with what they were earning. The prime reasons for the surrogate mothers to sign in for surrogacy could be like paying off a loan, getting better housing facility, providing better education for their children and health treatment of their family members.

This particular survey was conducted by Fertility Care India (FCI), an Assisted Reproductive Technology (ART) Bank; New Life Fertility Clinic India - ART Bank in New Delhi; ANA Med ART Bank, New Delhi and Amma NGO / Kiran Infertility Centre, Hyderabad on 174 surrogate mothers from all over India. Through answers to pointed ques-

tions, the survey sought to know the responses to issues like the reasons to enrol to be a surrogate mother, problems the surrogate mothers faced from families, where would they put in the money received after the surrogacy completion and what emotional and other changes do they go through during the whole contract period.

According to Dr Samit Sekhar of Kiran Infertility Centre, since the issue of surrogacy has always been shrouded by various concerns, "the survey gives it an all new dimension by bringing forward views of the surrogate mothers, their experiences and bursts the popular myth that they are coerced in any form or manner."

Dr Shivani Sachdev Gour, founder and director, Surrogacy Centre India

## SURROGATE FILES - 2

Neetu

Neetu, 34, came to know about the possibility of becoming a surrogate through a friend who herself had been a surrogate. She told Neetu the pros and cons of becoming a surrogate mother.

Hailing from Dehradun and settled in Delhi with two children Neetu's life was no bed of roses. Her husband a driver earned Rs 8000 per month, which after taking care of rent, food, electricity, school fees and other essentials was hardly enough to plan for a secure future. For Neetu the possibility of earning Rs 2.5 lacs in a lump sum was too good to be true.

The discomfort of being pregnant for someone else faded as she discussed the possibility with her husband who agreed after much convincing, and Neetu became a surrogate mother for the first time in 2012. She stayed at the Centre's surrogate home, away from the prying eyes of neighbours for the entire duration of her pregnancy. "It was very comfortable and my every need was taken care of," she says. "My sons

came to visit me often and we were also paid a stipend every month, which supplemented my husband's salary."

She invested her money in a plot of land in Dehradun which she could not have been able to afford otherwise. She wants to become a surrogate again. "So that I can build my home, on my land," she says with a twinkle in her eye.



## What does the law say?

Commercial surrogacy in India is legal. The availability of medical infrastructure and potential surrogates, combined with international demand, has boosted the growth of the industry. Surrogate mothers receive medical, nutritional and overall health care through surrogacy agreements.

The Union Government, on its part, has been planning to bring a Bill to monitor the services of Assisted Reproductive Technology (ART) clinics and banks to regulate surrogacy in the country. For this purpose, a draft Assisted Reproductive Technology (Regulation) Bill has been formulated and sent to Ministry of Law and Justice for concurrence. In March 2013, Union Minister for Health and Family Welfare Ghulam Nabi Azad was quoted as saying that in order to monitor the services of ART clinics and banks to help regulate surrogacy, the Indian Council of Medical Research (ICMR) has already framed guidelines for accreditation, supervision and regulation of ART clinics and banks.

According to the government, there is need to ensure that medical, social and legal rights of all concerned were protected with maximum benefit to infertile couples or individuals within the recognised framework of ethics and good medical practices. The proposed piece of legislation also describes the procedure for accreditation and supervision of ART clinics and banks.

The ART Bill has been hanging fire since 2008 when the first draft was prepared. It was revised in 2010 but is yet to get a final approval from the Union Law Ministry following which it will go to the Cabinet for clearance. In earlier versions in 2008 and 2010, the ART Bill relied on contract law to establish a relationship between the commissioning parents and the clinic. In the current version, the Bill states that a professional surrogate will be hired by a government-recognized ART Bank and not private fertility clinics, the current practice.

According to reports, the draft surrogacy Bill also bars homosexuals, foreign single individuals and couples in live-in relationships from having children through surrogate mothers in India. It also imposes age restrictions on surrogate mothers.

However, R.S. Sharma, deputy director general and member secretary of the drafting committee of the proposed legislation, Indian Council of Medical Research (ICMR), says there are several ethical and legal issues which the Bill has to address. According to him, the Health Ministry's mandate is clear: This Bill is only to help infertile couples and should act as a deterrent to commercial surrogacy. That is why in its current form, the Bill addresses all issues pertaining to ethics in commercial surrogacy.



"The IVF (in-vitro fertilization) clinics or ART banks will have no role to play in this contract. Currently, IVF clinics decide the amount and pay the surrogate mother a portion. This could be exploitative and so we have changed this provision," Sharma said.

According to draft bill provisions, no woman less than 21 years of age and over 35 years can act as a surrogate mother. The bill also, for the first time, states conditions for foreign couples seeking to hire surrogates in India.

Under the draft, surrogacy is defined as "an arrangement in which a woman agrees to a pregnancy achieved through ART in which neither of the gametes (the egg or the sperm) belong to her or her husband, with the intention of carrying the pregnancy to term and hand over the child to the persons for whom she is acting as a surrogate."

As per the Bill, all expenses of the surrogate mother would have to borne by the infertile couple, including her insurance. A surrogate, before being hired, has to be medically tested for sexually transmitted diseases and AIDS to ensure she does not pass on the infection to the child.

To streamline financial commitments between the infertile couple and the surrogate mother, the draft bill says a surrogate mother has the right to terminate her pregnancy at any time but if she does so without medical reasons, she will have to reimburse the cost to the infertile couple which has hired her. If, however, the pregnancy has been terminated for medical reasons, no reimbursement would be needed. Also by law, a surrogate mother would have to relinquish all parental rights over the child born out of the arrangement. The draft bill adds that a surrogate cannot undergo embryo transfer for more than three times for the same couple. This provision aims to prevent commercialization of the service.



Some centres allow a surrogate's family to live together in accomodation provided by them.

(SCI) Healthcare, New Delhi, says that many myths continue to prevail about surrogacy and surrogate mothers partly because of the lack of authentic publications and data on this topic. The survey, according to Saurabh Kumar, founder of FCI ART Bank and Sonia Arora, director of New Life India, is the largest of its kind in India and the first where they and their friends have written down answers themselves. Says Dr Shivani Gour said, "Our surrogate mothers are generous women and deserve to be treated with great respect. In a country where infertility is a curse and where women need to be financially secured and empowered surrogacy is a boon for them and for the infertile couples and single parents who experience the joys of parenthood." Dr Gour says it appears as if there are "unknown reasons" to remove India from the world map of surrogacy benefits because of "vested interests". If there are laws that restrict the extent of surrogacy benefits or



bar people from abroad on some pretext or the other from deriving surrogacy benefits, the entire medical tourist traffic that comes to India for this purpose may be diverted to other countries such as Thailand or Philippines. "The surrogate mothers need to be viewed with an open mind. You can close the windows and darken your room or you can open the windows and let the light in. It is a matter of choice," says Atahar from ANA Med ART Bank. Dr Sudhir Ajja, Founder-Director of Surrogacy India, a private firm that offers surrogacy assistance to couples, says, "It is extremely surprising that Director General of Health Serv-

ices has proposed an amendment that foreigners should not be allowed. I fail to understand why we are going backwards. The Supreme Court has said commercial surrogacy is a legal industry. Supreme Court has decriminalised homosexuality. Supreme Court has said that live-in relationships are legal. Why anyone would want to ban foreigners or unmarried couples?" Here it needs to be noted that India is one of the few countries where commercial surrogacy is legal. India opened up to commercial surrogacy in 2002. Surrogacy is illegal in countries like Norway, Sweden, France and Germany but is allowed in Russia, Georgia, Ukraine, Thailand and certain states of the US. But in all these places there are laws to regulate surrogacy. In California State of

## SURROGATE FILES - 3

Savita

"I came know about this facility through my sister in laws daughter who became a surrogate and delivered two babies. She suggested this to my sister in law, but her age being more than required and her health not being good, she suggested this to me as she knew about my financial condition. I discussed it with my husband who agreed after sometime." I fought all odds and came for the test. I needed money by all means and so I started taking medication. The payment was Rs. 3.5 lacks and the monthly remuneration Rs. 3000 I have three children, the eldest of them is my daughter who studies in the 11th grade, another daughter studies in 6th, and my youngest son studies in 3rd standard. I got married when I was 15. We will be able to make a house with Rs. 1 lac in the village. I am going to get my daughter married off the next year and so will use the remaining amount for her wedding. My daughter wants to study further, but we do not have any money to support advanced studies. If by Gods grace I am able to deliver twins, and if the couple for whom I am bearing a baby, pay me well, I will educate her so that she can earn her livelihood. Thousands of families have become happy due to the

initiative of Dr. Patel. Those who wanted babies, got babies, those who wanted money have got money. We are given a hygienic place to stay, clean environment, there is a doctor and maids at out assistance 24/7, we are served home cooked food which is full of nutrition, fruits and salads too, which we never had at home. A woman like me whose husband doesn't earn enough, who doesn't have a house to stay, who has three children to take care of would have committed suicide by now. There were many who criticized me on taking this step, people still talk behind my back, but has anyone come to me and said that he/she will take care of my kids, or give us a place to stay. I have come here for my children, and I know what I am doing is right. I fear no one now."



the US, for example, the law requires that both the intended parents and the surrogate be represented by separate legal counsel. Besides, The draft Assisted Reproductive Technology (Regulation) Bill has been through the motions of discussion by stakeholders and a series of meetings have been held with all concerned. However, in view of the "grave and critical" concerns raised by stakeholders, the Planning Commission has recommended substantive changes in the legislation and advised the ICMR against pushing the draft Bill till the process of consultations was satisfactorily concluded. Accordingly, the Centre will set up an expert committee for wider consultations on the draft Bill. The Planning Commission will coordinate the process of forming and facilitating this committee towards developing an efficient regulatory framework and legislation. The decision came after a meeting on the issue chaired by Dr Syeda Hameed, Member, Planning Commission, and attended by representatives from the Planning Commission, Union Ministry of Health and Family Welfare, ICMR, Union Ministry of Law and Justice, the National Commission for Protection of Child Rights (NCPCR), and Office of the Registrar General of India, amongst others. While health and women's rights activists feel that the ART Draft Bill is designed to regularise and promote the interest of the providers (mainly the private sector) of these technologies rather than regulate and monitor the current practices. The surrogacy industry, on the other hand, seeks to open up the market by removing any legal impediments in its smooth functioning. Dr Nayana Patel agrees with the need for regulation but says more bureaucracy will make it difficult for everyone. It will not only mean less commissioning parents from overseas but it will also impact surrogates, who will lose out on the only chance they have to change their lives for the better." Dr Rita Bakshi, chairperson of the International Fertility Centre in Delhi, feels that the strict norms of the proposed ART Bill will see the activity moving to more conducive destinations such as Thailand. She says there is no need for the law to be discriminatory towards unmarried foreigners when unmarried Indians are allowed this facility. "It is fair to expect that surrogacy should be allowed in the country of the commissioning couple because citizenship of the child becomes an issue otherwise. Other than this, many restrictions imposed are not encouraging for business. A majority of our clients are from foreign countries. To expect this sector to not have commercial interest is naïve. Surrogacy is very expensive across the world," she added. "The surrogates in Anand have become empowered through giving this beautiful gift to others,' says Dr Nayana Patel of Aakashsha. Surrogates vouch that with the money thus earned, they have been able to buy a house, educate their children and even start a small business. These are things they could only dream of before. For them it is a win-win situation.

## SURROGATE FILES - 4

Durga\*

Durga's family is large. Her husband, a son, mother, father and brother live together in a small room for which they pay a rent of Rs 2000 per month. She works in a garment shop. Her husband is a painter who earns Rs 300 per day and manges to find work for 10-15 days every month. Her brother assists him and contributes to the family kitty. She came to kow about Base Fertility through another worker at her place of work. She was offered Rs 2 lacs post delivery by cheque and a stipend of Rs 3000 a month. Durga is housed in a well appointed surrogate home, given proper meals, a regular medical check up and has access to TV. She alongwith other surrogates are taken for a movie every week and a picnic every month. She prays to have a healthy child and does not feel any emotional connect with the baby. "I am happy here and my family visits me on a regular basis. I am also learning tailoring so that I can start my own garment business once I get the money." "That is after I buy a small plot of land and build my own house," she adds with a small smile. \* Name changed



## INSTAR proposed Self Regulation

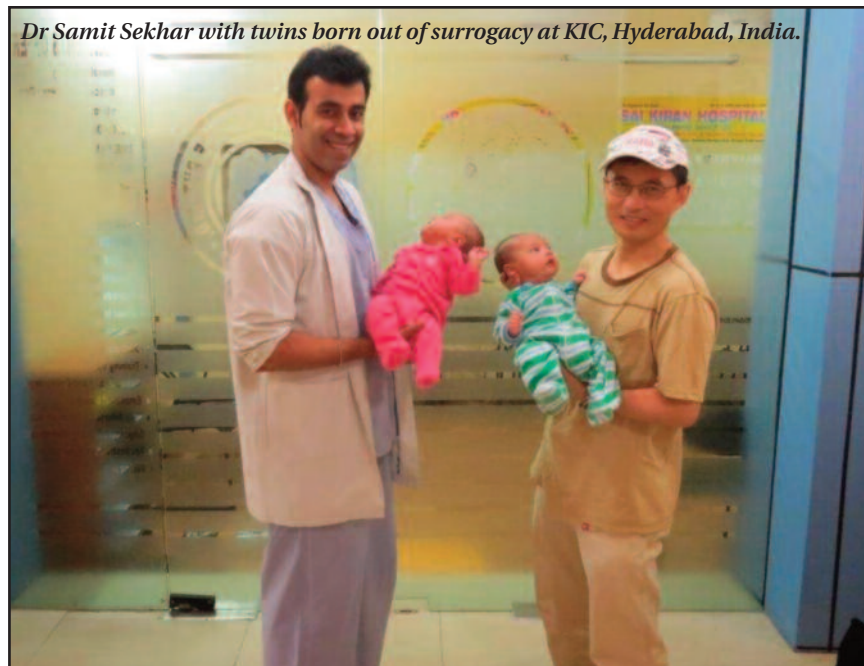
INSTAR is India's first research oriented association of Third Party Reproduction in India with ethics, empower and research being its motto. Keeping in mind the welfare of surrogates, the Association recommends the following:

- 1) A minimum compensation of 2.25 lakhs for surrogate mothers irrespective of state/ city
- 2) Full compensation after 28 weeks irrespective of the outcome of pregnancy.
- 3) Post delivery care for 6 months free of cost in relation to pregnancy.
- 4) Post miscarriage care for 3 months free of cost and compensation for next month of pregnancy and all medical expenses paid in case if miscarriage.
- 5) Recommendations in case of unfortunate events like ectopic pregnancy/ hysterectomy or rarest case of death
- 6) Recommendations for Contracts: Local language is a must.
- 7) Condemns discrimination of girl child and follow the PCPNDT Act strictly.
- 8) Local Guardian nomination is a must.
- 9) Providing Life Insurance to surrogate mothers.





Fertility clinics in Kolkata attract at least 50 patients on average every month. This is double that of 2011 and is expected to double again. The rush is spurred by cheap costs and a high success rate. Infertility treatment in Kolkata costs only a fifth of what it costs in the USA or UK but offers world-class infrastructure and facilities. While a majority are NRIs, other overseas applicants are from USA, UK, Japan, Bangladesh, Israel and West Asia while there are a few Swiss and Nigerian nationals as well. Another city clinic has a waiting list of 70 foreign couples. Besides the huge popularity it enjoys among childless couples across the world, India's surrogacy business has also led to a transformation of countless lives and families. True, there is a need to regulate the sector, but if the new law tightens rules as suggested by the Government, then it will clearly impact the industry and put off clients coming from overseas. Hopefully, the law-makers will consider the stakeholders' interests in totality.



## SURROGATE FILES - 5

Hansa

"I read an interview about a surrogate child when I was in Ahmedabad, I contacted the doctor and came here and conceived for the first time two years ago. This is my second pregnancy as a surrogate." Hansa is a mother of two biological children. Her husband left her for another woman some years ago. She lives alone in Ahmedabad with her children. She was working in a canteen, desperately trying to make ends meet before becoming a surrogate. From the money she got from her first surrogate pregnancy she managed to buy a small house in Ahmedabad and is educating her children. For her it was a dream come true as with the limited resources she had, a house was an impossibility. She wants to save the money she gets now for her daughters marriage.

"I love my children dearly and whenever I think of them I take extra care for the child in my womb." Her children know and understand what she does and have no complaints. "The biggest satisfaction in becoming a surrogate is the happiness I give to someone who cannot have a child. It is their blessings which have changed my life completely."

