



Regulating Assisted Reproductive Technology

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(Mains GS 1 & 2 : Salient features of Indian Society, Diversity of India & Government policies and interventions for development in various sectors and issues arising out of their design and implementation)

Context:

Recently, the Lok Sabha passed the The Assisted Reproductive Technology (Regulation) Bill,, 2020 that proposes the establishment of a national registry and registration authority for all clinics and medical professionals serving in the field.

Important provisions:

- The Bill sets standards and codes of conduct for fertility clinics and sperm banks in the country
- The Bill has provisions to protect the rights of the donors, the commissioning couple and the children born out of ART, to grant and withdraw licences for clinics and banks depending on performance factors.
- It proposes to make it impossible for outlaws to operate within the system and profit from it, while exploiting patients.
- It also plans to put an end to illegal trafficking in embryos, and mistreatment of the poor coerced by their circumstances into donating eggs or sperm.

Regulatory authorities

- The bill has the provision to set up three organisations namely-National Board, National Registry and Registration Authority.

- The National Board will advise the government on policy matters, determine the standards of ART service infrastructure and coordinate with the state boards.
- The National Registry will keep records of all ART clinics and ART banks on a centralised database and will help the National Board by providing necessary data.
- The Registration Authority on the other hand will emerge as an authority to grant, suspend or cancel the license of an ART clinic, investigate breaches of regulations and advise the National Board on modifying the existing regulation or provisions on the ART service.

Need of regulation:

- Gamete donation, intrauterine insemination, in-vitro- fertilisation, intracytoplasmic sperm injection, and pre-implantation genetic diagnostic are among the host of services that come under the banner of ART service
- Because of declining fertility rates, a substantial section of Indians marrying later than the generation before them and also the increasing provenance of single parenthood, leads to the use of such technologies to grow.
- In the past 20 years, the increase in the number of ART clinics in India has been amongst the highest in the world and more than 80 per cent of clinics in the country offering ART facilities are reportedly unregistered.
- Thus, the bill aims at setting up the standard protocols, rules and regulations for the healthy growth of this service in the country.

Certain categories excluded:

- The Assisted Reproductive Technology (Regulation) Bill, 2020 excluded two categories — LGBTQIA+ and single men.
- According to some experts, it goes against the spirit of the Supreme Court's landmark verdict in Navtej Johar v Union of India and assumes a formalistic position on the rights of same-sex couples to raise a family.
- However, the Parliamentary Standing Committee recommended 'it would not be appropriate to allow live-in couples and same sex couples to avail the facility of ART' citing the best interest of the child born through ART.
- It also recorded that 'in Indian family structure and social milieu and norms, it will not be very easy to accept a child whose parents are together but not legally married'.

Conclusion:

- The Assisted Reproductive Technology (Regulation) Bill excludes certain categories of citizens from the benefits and rights that the law seeks to confer upon the people of the country.

- The Upper House must take the conversation further and make sure that the law keeps up with the inclusive potential of reproductive technologies.