

**SURROGATE MOTHER - RIGHTS AND CHALLENGES**

**Women's Studies**

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**Abstract**

*In history, the ancient period procreation is not a problem but in the globalization era infertility and Assisted Reproductive Technology especially surrogacy plays a vital role for procreation. In this paper, the researcher discuss about the Assisted Reproductive Technology, how the scientific technology particularly surrogacy exploits and discriminate the women, rights of the surrogate mother with feminist view and research findings.*

**Keywords:** *Infertility, Procreation, Assisted Reproductive Technology, Surrogacy*

**Introduction**

There was no difference between the men and women in the public society. After the formation of agriculture, innovation, industrial revolution, legal heir and wealth it emerged "discrimination" in the society. They were formed in different types of industries and made the vast difference amongst the public. When the history renewed from the rule of the Mother (matriarchal) to that of Father (patriarchal) the situation had totally changed which led to domination of men and the slavery of women. By observing that "Women" were treated as a machine to deliver the child, the radical feminists like E.V.R had given a callout in order to create social awareness in the society. It is needless to say that those revolutionists had sowed the seeds of deep thinking amongst the people and hence the present day welfare and development of women had improved a lot. Marriage is an agreement and it is the individual couple's choice to have an off spring or not. In the society some couples might have decided not to have siblings due to some personal reasons and this society used to brand and calls those women as "Barren Women" which is one of the saddest things.

After the marriage it had become a common ritual or routine duty of a woman to deliver a baby and it is expected in every family. When a woman who did not deliver a child was called as a "Infertile Woman" and was prevented to attend some of the important functions and occasions in the society. They arrive at the conclusion without checking the fertility capacity of the women and in other words the infertility condition of a man was hidden in so many cases and It had become a usual thing to degrade the women by the society. Moreover we observed, from the age old days, that second marriages for the men were being performed in order to get a legal heir. But today the technology had found out a solution to deliver a baby by an infertile woman. In the medical technology this scientific process to develop the population is called as "Assisted Reproductive Technology".

Though there were so many technologies available for reproduction, mainly the following methods were keenly followed by the Obstetricians and Gynecologists.

- Test tube baby / Artificial Pregnancy
- Surrogacy

### **Artificial Pregnancy**

The artificial pregnancy is a kind of reproduction method, where the semen and the egg are fertilized in a test tube/Petri dish for a particular period of time then the fertilized egg is transferred to the womb of a woman for the growth of the fetus. This is also called as “Test Tube Baby”.

### **Surrogacy**

Surrogacy is a great invention by the human society and this method helps the couple who could not deliver a child by themselves but get the bond or connectivity with an offspring. This is one of the scientific techniques which made it possible in all respects. This method is named as “Surrogate Mother”. Today, due to this revolutionary method, the childlessness condition or Infertility challenges amongst the women were boldly faced. At the same time, in the present day scenario, the condition of the surrogate mother had become a business for the foreign nations and in these circumstances a necessity had arisen that we must examine the problems and the rights of them.

### **Reproductive Technology- Procreation**

This research paper would like to bring out the contributions and ill effects of this Auxiliary Reproductive Technologies and record the same facts.

1. To conduct the study on the role of this Auxiliary Reproductive Technologies and due to this how far the women sector gets the boon or bane.
2. To confront the challenges and solutions by these surrogate mothers through these technologies for childlessness.

### **Surrogacy**

Surrogate Mother means a woman who carries the fetus in her womb on behalf of another woman who was unable to carry the same. Immediately upon delivery, the child should be handed over to the child owner (Biological Parents) in the next minute and this was made as a written agreement. In order to work as a surrogate mother a woman’s family background or family history is an important one. She will be tested in various ways and the doctors will decide, depending upon the medical reports, whether she is eligible to be a surrogate mother or not. Moreover, as per the ICMR rules, the surrogate mother should be a married woman or she should have delivered one or two babies. In this manner so many directions were shown.

After performing various medical tests with the woman the doctors, by following these methods, will decide whether she could act as a surrogate mother or not and must obtain the signature of to be surrogate mother and her husband as per laws. Then the eggs and the semen will be involved for artificial fertility and when the fetus grow for three months under observation and after that the same will be inserted in the womb of the surrogate mother. Mostly from the third month till delivery of the child the surrogate mother must be under the medical

doctors' observation. Some surrogate mothers will stay in hostels after leaving their living place because they did not want their relatives and friends not to know that they were acting as surrogate mothers.

- In order to deliver a healthy baby the surrogate mother must follow the advices of the doctors under whom she is under observation.
- During this period the surrogate mother's body conditions must be healthy.
- When these surrogate mothers were not allowed to visit their house and stay in hostels, her relatives will be permitted to visit her.

As per the study, the surrogate mother was not paid the full amount during this intermediary period and was paid in installment basis like every months/three months depending upon the growth the child. In case the surrogate mother delivers twins she will be paid additional amounts and also for the proper weight of the infant(s) by the Biological Parents. A study that revealed the surrogate mothers are large in number in Northern part of India as per The Indian Express 2014. That is to say that in a year alone the surrogate mothers had delivered 200 infants in a private hospital. The compensation will be calculated for the surrogate mother depending upon their age, color, religion and caste will be taken into consideration (The Hindu, 2012).

#### **Surrogate Mother's Mental status**

For my study and I have met various surrogate mothers and during the discussions held with them the following facts were revealed:

- Whilst performing as surrogate mother for the first time, these people had a concept in their mind to facilitate the financial condition of the family and wanted to improve the same.
- When surrogate mother takes up the assignment for the second time she possesses the service mentality for the society.

The major tragedy in this matter is that, though the surrogate mother faces lot of stress and difficulties both mentally and physically in order to bring the happiness in the childless couples' families, i.e. they were not allowed to see the delivered infant's face at least once. Moreover, when the baby is removed through operation the surrogate mother will be under the influence of anesthesia and could not see the delivered offspring. The fulfillment of a family life ends when there are children at home and in case the couples cannot deliver a child may adopt one or there are so many ways to have a child. But mostly the couples prefer to have a child they select this way i.e. through a surrogate mother because they feel that they will have blood relationship with their child for a long time.

- Through this reproductive technology it is the best way to have a child for the childless couples or the homosexual people.
- The poor financial condition of the surrogate mother compelling her to work at a cheaper rate depending upon the family conditions.
- The holy motherhood is being bargained as a business.
- The bargained motherhood get dilapidated by the intermediaries i.e. the prescribed amount did not reach the respective surrogate mother fully and this is like a farmer who had worked

very hard in his field did not derive the benefits. This is really a pathetic situation at the present day scenario.

This is like a farmer who had put in his wholehearted effort did not get the fruits of his actions and his efforts are being swindled by the intermediaries and similarly the intermediaries act with these surrogate mothers are being cheated either wholly or partially. Also the women, who are beautiful, good color and from upper caste, and ready to work as surrogate mothers are being paid higher amounts as compared to the normal ones.

The intermediaries and the doctors advise the surrogate mother that there will not be any bodily intercourse in order to get pregnant and everything will be done through the needles and these surrogate mothers also believe them totally and decide to do so without considering the complications. These women did not know the method which will be implemented on them and did not bother to know the side effects after delivery of the child. The surrogate mother's only object is to deliver the child safely and where we can see the financial pressure on her become a vital factor.

The doctors advise the surrogate mothers not to carry out any household chores and must take rest continuously for the whole day i.e. they were advised to sleep the entire day. When we view this seriously we may come to know the real effects of this action. While a person is asleep his brain will be under total rest without thinking and when a pregnant woman sleeps the fetus will not be affected by any kind of thoughts of its mother. Also the message pertaining to the natural habits of pregnant women who was advised to carry out her regular chores are left in the wind. While this had become a business and think anything can be bought through money, there is a big gap between the natural and artificial pregnancy which can be realized by us. Naturally speaking the pregnant woman must do her household work with proper care and take rest but the surrogate mothers were indulged in delivering the child were compelled to take total rest. Moreover, if a child dies during the pregnancy period there is a huge loss of money which cannot be compensated for which some lakhs of rupees must be spent and it would become difficult. Therefore, so many restrictions were imposed on the surrogate mothers in order get a baby through them. Hence it was evident that the surrogate mothers were facing lot of problems financially as well as mentally in this manner. The feminists like Shulamaith Firestone (1971), Rothman (1998) and Marsha Darling (2006) had severely criticized this surrogate mother system. The above opinions of the most feminists were that 'Surrogate Mother' system, the women are under oppression and exposed to gender discrimination. Moreover the women's limbs were used as that of vehicles spare parts or equipment and the same was strongly criticized that this way of thinking was invented by male-dominated people.

### **Surrogate Mother – Rights and Challenges**

In the present scenario people were tend to face so many challenges and hence they were not bothered much about the childlessness and its main reasons are the science and the inventions. At the same time, before 20 years, it was considered as that a woman, who did not bore a child, could not live peacefully. Due to this fact the men society dominated the female society and made them as slaves. Moreover it became a practice that a male was able to marry

many women. But today's science and inventions had given relief to our modern world women with a solution, Though the science, inventions and technologies provide lot of benefits to solve so many problems and at the same time they became the cause for unnatural incidents to occur. Therefore the life cycle of human society is constantly changing We view the Auxiliary Reproductive Technology of this present day life and when we turn our ancient historical methods of reproductive system was different. But, since 1981, lot of wonders were happening

### **Scientific Technology and Women**

Though the scientific findings like Auxiliary Reproductive Technology were helpful in eradicating the childlessness and the same was viewed, some time ago, as an instrument to degrade the human society. In spite of various artificial scientific auxiliary reproductive technologies that were available and accepted for the main solution of childlessness, the main system adopted in this was "Surrogate Mother". This surrogate mother system are of two types and the first one was approved by the foreign countries around the world subject to and limited to the same family members i.e. blood relations or friends. The second method is that an unknown woman will deliver the child on behalf of an unknown who had not met with each other for the financial benefit. This method is approved by the Indian Government and still in practice whereas the foreign countries had banned this type of system across this globe.

As per the research report conducted in the year 2005 by the Indian Council for Medical Research (ICMR) an estimated amount to the tune of Rs.450 crores were yielded by the Indian Government through these surrogate mothers. That is, around 5% of the amount pertaining to local production was derived by the Government of India as per the Indian Industrial Council's report. The main reason for this – the system that was banned by the foreign countries was made legal and recognized by the Indian Government. In other countries the expenses involved in surrogate mother was Rs.40 to Rs.45 lakhs whereas in our country it is one third of the total cost spent by foreign nations. That is the reason why the foreigners would like to engage surrogate mothers in India to get their child or children because of very less expenses. To determine this situation for childlessness the technologies are of no exceptions!

Though the Auxiliary Reproductive Technology is a boon for the childless couples but at the same it is a great surprise that the women who were compelled to involve to work as surrogate mother are at the lower economic levels, destitute, widows. Mostly the women to act as surrogate mothers come under the control of the brokers or agents. The women who involve as a surrogate mother with the help of brokers may not get the full amount and the reason is that the brokers swindle the money. The surprising report was that after delivery of the child through the surrogate mother, the women who actually involved did not receive her amount.

### **Needed / Optional child**

Mostly male child is being preferred by the majority of the people. Though the childlessness prevailed in the mind of the people they did not prefer the child of any sex. In the state of Rajasthan having a population of 80,000 and when a girl child was born in a village they celebrate this happy occasion by planting 3 trees (The Hindu 2014) but still the desire to have a male child did not deteriorate. Moreover the child desired parents, as per the study conducted,

choose the surrogate mother by taking into consideration that she should deliver a male child, she should belong to upper caste, the child must be white in colour and the surrogate mother must be an educated individual etc. and totally the Biological Parents require their baby should be a Designer Baby or babies. These parents have less preference with the surrogate mothers who belong to village culture, low caste or black in color, as per the reports of the doctors. Though these surrogate mothers are economically poor in nature but once they indulge in this activity they gain the mental satisfaction that they serve the childless parents with a delivered baby so that they feel that they were doing service to the society. When viewed about the feminine characters these surrogate mother remove the bad name of a women from “Barren Lady” and protect them from the society. The difficulties and challenges faced by this surrogate mother every month in anticipation of a baby cannot be expressed in words. In any case, the latest auxiliary reproductive technology had helped and changed the situation so that they need not feel the weight or the pain during their pregnancy time. In this context, though the male is an impotent person and in order to hide the facts, the woman put forth herself voluntarily about the childlessness issue and due to this fact still the men domination prevail and spread in the human society. On the other hand, if a woman was unable to conceive or deliver a child and seek the help of the surrogate mother which may lead to unrecognizing situation and she may be expected to face lot of challenges and problems. Moreover, there is an urgent need to view that this noble contribution given by the surrogate mothers had become a business and may get this facility from the market.

### **Surrogate Mother – Business**

Now-a-days because of increased business situations and the consumerism the surrogate mother method had become a business and the foreigners can visit India and return to their home land with their child which was delivered through surrogate mother at a cheaper rate. Also we have reports that the college girls donate their ovum and in turn they receive monetary benefits in order to meet their college study expenses. How this business is occurring? Who are all the partners in this activity? – The list is very long and vast. Though the childless couples, intermediaries, agents, doctors, nurses, surrogate mother agents are involved in this business we can still realize the service mind of the surrogate mothers and also to alleviate their economic imbalances. In this situation it is imperative to analyze the major things like whether the amount reached the respective surrogate mother or not, how the agents and intermediaries swindle the funds by cheating, what are the mental implications of the surrogate mother who could not neither look nor breast feed the child which she delivered, how the feminine characters were converted a woman to function like a child delivering machine and for that how much they pay and how much they get in return etc.

### **Conclusion**

When this civilized world criticized functioning as surrogate mother the women, on the other hand, who are poor, destitute and widows would like to improve their financial conditions and to protect their families, it had become a great surprise how things were happening in our nation. In developed countries like America and London, the grandmother acted as a surrogate

mother for her grand-daughter were news but the most saddest things in our country was that a mother had acted like a surrogate mother for her daughter (Maalai Malar 2015) and a 61 years old woman had acted as surrogate mother for her grand-daughter and delivered the child (Times of India 2015). It is the truth that could not be denied that there were so many scientific developments and technologies were in implementation and still from the ancient days to this advanced technology period the male were considered as seeds and women were the lands to grow this seed which clearly reveal that the male domination and the women slavery is still in prevalence and the rights were seized from these weaker section.

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