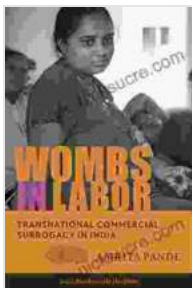


Transnational Commercial Surrogacy in India South Asia Across The Disciplines

Transnational commercial surrogacy (TCS) is a complex and controversial practice that has raised significant legal, ethical, social, and economic concerns. In recent years, India has emerged as a major hub for TCS, attracting couples from around the world seeking to have children through surrogacy. This article aims to provide a comprehensive analysis of TCS in India from a cross-disciplinary perspective, examining its legal framework, ethical implications, social impact, and economic dimensions.



Wombs in Labor: Transnational Commercial Surrogacy in India (South Asia Across the Disciplines) by Amrita Pande

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Legal Framework

The legal landscape surrounding TCS in India is complex and evolving. In 2015, the Parliament of India passed the Assisted Reproductive Technology (Regulation) Act (ART Act), which provides a comprehensive framework for regulating assisted reproductive technologies, including surrogacy. The ART Act prohibits commercial surrogacy in India, stating

that surrogacy should be altruistic and not driven by financial considerations. However, the law allows for international surrogacy, where foreign nationals may seek surrogacy services in India.

The ART Act has been criticized for its lack of clarity and its failure to address key legal issues related to TCS. For instance, the law does not define "commercial surrogacy" and does not provide clear guidelines for determining whether a surrogacy arrangement is commercial or altruistic. Additionally, the law does not address the rights and responsibilities of intended parents, surrogates, and children born through surrogacy.

Ethical Implications

TCS raises numerous ethical concerns, including the exploitation of women from marginalized communities who are often coerced into becoming surrogates. Critics argue that commercial surrogacy commodifies women's bodies and reinforces patriarchal notions of women as reproductive vessels. They also question the long-term physical and psychological consequences of surrogacy for both the surrogate and the child.

Additionally, there are concerns about the well-being of children born through surrogacy. Critics argue that children born through surrogacy may face identity issues and may not have a clear sense of their legal parentage. They also raise concerns about the potential for genetic manipulation and the creation of "designer babies."

Social Impact

TCS has a significant impact on Indian society. It has created a new industry that employs thousands of people and generates millions of dollars

in revenue. However, it has also raised concerns about the commodification of children and the potential for social inequality.

For some, TCS is seen as a way for infertile couples to have children and experience the joy of parenthood. However, others view it as a form of reproductive tourism that exploits vulnerable women and perpetuates gender inequality.

Economic Dimensions

TCS has significant economic implications for both India and the countries from which intended parents come. For India, TCS has boosted the economy by creating jobs and generating revenue. However, there are also concerns about the potential for exploitation of surrogates and the outflow of wealth from India.

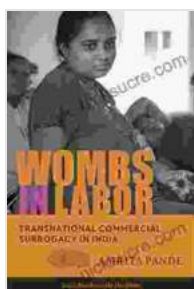
For intended parents, TCS can be a costly and emotionally challenging process. The costs of surrogacy in India can range from tens of thousands to hundreds of thousands of dollars. Additionally, intended parents may face legal and logistical challenges in bringing their child home.

TCS is a complex and multifaceted issue that raises important legal, ethical, social, and economic concerns. In India, the practice of TCS is regulated by the ART Act, which prohibits commercial surrogacy. However, the law is lacking in clarity and does not adequately address the key ethical and legal issues surrounding TCS.

From a cross-disciplinary perspective, TCS raises important ethical concerns about the exploitation of women and the well-being of children. It also has a significant social impact, both in India and in the countries from

which intended parents come. Finally, TCS has important economic implications, generating revenue for India while also potentially exploiting vulnerable women and perpetuating gender inequality.

As the practice of TCS continues to evolve, it is important to critically engage with its legal, ethical, social, and economic implications. A comprehensive and collaborative approach is needed to ensure that the rights and well-being of all parties involved are protected.



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