

ART OF LIFE: ON ASSISTED REPRODUCTIVE TECHNOLOGY REGULATION BILL

Relevant for: Developmental Issues | Topic: Rights & Welfare of Women - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

Sometimes, the leash follows the dog, but given the importance of control, the sequence can seem insignificant. It only matters that there remains a good hold over the circumstances. No matter then, that the Assisted Reproductive Technology Regulation (ART) Bill, which was [cleared by the Union Cabinet](#) this week, came after the Surrogacy Bill that it should have preceded. Together, the ART Bill; the [Surrogacy Bill](#); the [amendment to the Medical Termination of Pregnancy Act](#); and the older Pre-Conception and Pre-Natal Diagnostic Techniques Act present a bouquet of legislation that will have a positive impact on the reproductive rights and choices of women in India. The ART Bill to regulate clinics offering fertility treatments has been long in the works, and was first presented publicly way back in 2008. ART measures help couples unable to conceive naturally to bear children with the aid of state-of-the-art technology to achieve pregnancy, leading to safe delivery. India has a rich history of employing ART, though the initial years went officially undocumented at that time. In the late 1970s, only months after the birth of Louise Brown, the first 'test tube baby', Kolkata-based doctor Subhas Mukherjee announced the birth of the world's second test tube baby. Subsequently, the industry saw phenomenal growth, as infertility rates went up. A market projection (by Fortune Business Insights) said the size of the ART market is expected to reach \$45 billion by 2026. Among Asian countries, India's ART market is pegged at third position. A lack of regulation and the consequent laxity in operations drove a lot of traffic from other nations to India. This, in turn, along with the relatively low costs, led to the mushrooming of ART clinics across the country. Undoubtedly, this also led to a plethora of legal, social and ethical issues.

It is at this juncture that the ART Bill has seen a fitting revival, egged on by legislators who facilitated the passage of the Surrogacy Bill in the Rajya Sabha. It seeks to regulate and monitor ART procedures, and mandates the establishment of a National Board and State Boards to lay down rules for implementation, and also honours a long-pending demand — creation of a national registry, and registration authority. While the rules will handle the bells and whistles, the Bill already sets a comprehensive framework to operate on. Most significantly, the Bill recommends punishment, even jail time, for violations of the provisions. Since it does impinge on surrogacy too, the government must now work on ensuring synchrony in both Bills. Having come this far to ensure the reproductive rights of women, the state now has the thriving ART industry on a leash, and the Bill is its best chance to eliminate exploitation in the field.

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