

MAN SEEKS NOC TO EXPORT HIS EMBRYOS

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A married man has moved the Delhi High Court seeking to expedite the process of obtaining a no-objection certificate (NOC) for exporting embryos to a surrogate mother abroad.

Justice Yashwant Varma issued notice to the Centre, the National Assisted Reproductive Technology and Surrogacy Board (NARTSB), and the Indian Council of Medical Research (ICMR) on the plea and posted it for further hearing on July 20.

The man, in his petition filed through advocates Parminder Singh and Vishnu Tallapragada, said he has been regularly following up with the NARTSB and ICMR for over six months for issuance of an NOC for export of his embryos for personal use.

“However, no substantive response has yet been received by the petitioner,” Mr. Singh said. He said his client, who wish to remain anonymous for personal reasons, was left with no other alternative but to approach the High Court.

Due to the “unreasonable delay” by the authorities, the original surrogacy agreement the man entered into with a surrogate in California had lapsed, Mr. Singh said. “After great effort, the petitioner was able to renegotiate the said agreement with the surrogate mother. Any further delay in the adjudication of the petitioner’s application would cause great prejudice to the petitioner,” the plea said.

Mr. Singh submitted that export of embryos from India has been allowed by the Government of India as per June 12, 2020 notification issued by the Directorate General of Foreign Trade, Ministry of Commerce and Industry. As per the notification, for the purpose of export of embryos from India, the necessary prerequisite is an NOC issued by the ICMR.

No response

Mr. Singh said his client first moved an application on January 18, 2022 before the ICMR seeking the requisite NOC, but, has failed to receive any response. He said the ICMR was deciding such applications based on the “Guidelines for export of Embryos and Gametes” as available on its website. Meanwhile, on January 25, 2022, the Assisted Reproductive Technology (Regulation) Act, 2021 was brought into force in the country.

Section 229 of the Assisted Reproductive Technology (Regulation) Act prohibited the transfer or use of gametes, zygotes and embryos, directly or indirectly to any party within or outside India except in the case of transfer of own gametes and embryos for personal use with the permission of NARTSB. Mr. Singh said his client followed up with NARTSB, ICMR and the Centre but no response has been received till date.

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