

ABSTRACT

COMMERCIAL SURROGACY IN INDIAN CONTEXT

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Surrogacy is a way by which a childless couple has the opportunity to have a child and be parents. The different types of surrogacy as in practicable are explained elaborately. The existing legal framework and the inputs of the legislature along with the law commission reports are particularly mentioned.

Surrogacy is a significant issue in the legal system, for it has interconnections with other laws, already prevailing in the law, the consent of the surrogate mother involves Indian Contract Act, 1872, the provisions where exploitation is visible, the sections of Trafficking law comes in the picture. If the women (surrogate) is not provided any kind of compensation, the interest of the individual child-carrier is affected. The Constitution of India functions on the principles of a welfare State, which is to be ensured by the States, as an obligation upon the State.

Since surrogacy is an ancient concept but has been influenced with other laws and the attempts have been visible, the paper also mentions the international perspective laws that govern and regulate surrogacy. The various methods for utilizing the same are briefly mentioned, with the perspectives of the individuals engaged in the practice. The loopholes of the existing laws and specific provisions are elaborated with possible consequences and solutions.