

Triple tests for Altruistic surrogacy

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In news– The High Court of Karnataka has evolved “triple tests” for considering the plea of a couple to have a child through altruistic surrogacy.

About altruistic surrogacy-

- Altruistic surrogacy refers to those surrogacy agreements where the surrogate does not receive monetary compensation.
- Surrogacy is an arrangement, often supported by a legal agreement, whereby a woman agrees to delivery/labour on behalf of another couple or person, who will become the child’s parent after birth.

High Court of Karnataka on Triple Test-

- **As the various legal issues on Surrogacy (Regulation) Act are before the Supreme Court, the High Court has evolved the triple tests** – genetic test, physical test, and economic test which the husband has to pass to become eligible to become a father by surrogacy.
- The court said that the husband would have to undergo **genetic test so that the child is not born with any disorder.**
- The **couple have to undergo a physical test to ascertain their physical capacity to manage the child as the life of the surrogate child** should become miserable if they are infirm to handle the child; and **economy test by filling statements on their assets and liabilities** before the authorities concerned to ensure that they can protect the future of the child.

The Surrogacy (Regulation) Act 2021-

- The Surrogacy Regulation Act, 2021 defines surrogacy as a process where a woman bears and gives a birth to a child with an intention to give the child to the intending couples after birth. Similarly, the act recognizes two types of surrogacies:
 - Commercial Surrogacy.
 - Altruistic Surrogacy.
- Commercial Surrogacy is a type of surrogacy where the surrogate mother carries the child in her womb and delivers the child to the intending couple in return of monetary benefits.
- Although, the same act also **bans the practice of commercial surrogacy in India.**
- Altruistic Surrogacy is another type which has been explicitly defined under the act as a procedure in which no charges, expenses, fees, remuneration or monetary incentive of any nature is given to the surrogate mother.

Many barriers

The Surrogacy (Regulation) Act, 2021 was introduced to curb unethical practices related to issues such as sex selection and exploitation of surrogate mothers, with provisions for jail term in case of violations



- Under the Act, a couple can opt for surrogacy only on medical grounds and should produce certificates of eligibility
- The couple should have been married for five years and not have a living child
- The surrogate mother
 - has to be a close relative of the couple, a married woman with a child of her own and aged between 25 and 35
 - Though the law allows a single woman to resort to surrogacy, she has to be a widow or a divorcee between the age of 35 and 45
 - Single men are not eligible