

Awareness of Legal, Ethical and Social Aspects of Surrogacy Among Doctors - A Questionnaire Based Study

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Abstract

Surrogacy can be partial or total depending on whether the surrogate contributes the ovum or not. Based on the intention, surrogacy can be commercial or altruistic. The national guidelines emphasize that it is mandatory for medical clinics to acquire a license before they start functioning in case of commercial surrogacy. Lack of proper legislation and lack of awareness of existing guidelines among patients and treating doctors lead to exploitation of the underprivileged and profit is earned by middlemen and commercial agencies. In this paper, an attempt has been made to assess the awareness of legal, ethical and social aspects of surrogacy among doctors.

Keywords: Surrogacy; commercial; lack of proper legislation; awareness

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Introduction

Surrogacy can be partial or total depending on whether the surrogate contributes the ovum or not. Based on the intention, surrogacy can be commercial or altruistic. Generally, Commercial surrogacy arrangements are those involving payments made to surrogacy which are over and above the necessary medical expenses. National Guidelines have been drawn to regulate ART clinics to deal with surrogacy arrangements¹. The guidelines emphasize that it is mandatory for medical clinics to acquire a license before they start functioning. Furthermore, all such clinics are subject to a code of practices. Further the guidelines strictly lay down that new ART clinics are to operate only after they obtain a temporary license, subject to renewal after every three years. Though surrogacy seems like an attractive option to a poor surrogate mother who gets financial compensation and

an infertile couple gets their biological baby; the real picture is far from pretty. Lack of proper legislation, lack of transparency in the system and lack of awareness of existing guidelines among surrogate mothers, intended parents and treating doctors lead to exploitation of the underprivileged and profit is earned by middlemen and commercial agencies.² Surrogacy arrangements have created a flutter amongst the traditional methods of procreation. This has led to the reconsideration of serious moral, ethical and legal issues. In this paper, an attempt has been made to assess the awareness of legal, ethical and social aspects of surrogacy among doctors.

Materials and Methods

A. General Method of Analysis

In the study doctors involved in infertility treatment were assessed. This was carried out in infertility centres in Chennai. A total of 35 doctors who are connected with infertility treatment were studied.

B. Sources of Data

The main source of this study was in the format of questions prepared and the answers filled by the persons involved.

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C. Collection of Data

The relevant information obtained from the doctors was systematically recorded in a detailed proforma. (Figure 1)

Observation and Discussion:

Incidence of percentage of infertile couples seen

In the present study of 35 doctors, who were concern in infertility treatment, 42.9% of doctors seen 10-20% of infertile couples in their practice .28.6%, see 20-30% of cases. 5.7% see more than 40 of infertile couples in their practice (Table 1).

Table I Showing incidence of infertile couples

Sl.No	% of infertile couples	No. of doctors	%
1	10-20	15	42.9%
2	20-30	10	28.6%
3	30-40	8	22.9%
4	More than 40	2	5.7%
		35	100%

Incidence of infertile couples who agree for surrogacy

In the study of 35 doctors, 20 doctors i.e., 57.1% said that 10-20% of infertile couple agree for surrogacy.31% of doctors said none of the infertile couples in their practice agree for surrogacy (Table 2).

Table II Showing the incidence of infertile couples who agree for surrogacy

Sl.No	% of infertile couples	No. of doctors	%
1	Nil	11	31.4%
2	10-20	20	57.1%
3	20-30	3	8.6%
4	30-40	1	2.9%
		35	100%

Incidence of consideration of surrogacy to infertile couples

In the study of 35 doctors, 16 doctors i.e., 45.7% considered surrogacy to infertile couples in situation of absent uterus in the

female. 25.7% did not consider surrogacy at all, 8 doctors i.e., 22.9% of infertility treatment considered surrogacy when the infertile couples agreed (Table 3).

TableIII showing incidence consideration of surrogacy to infertile couples

Sl.No	Consideration of surrogacy	No. of doctors	%
1	Do not consider	9	25.7%
2	When infertile couples agree	2	5.7%
3	Late stage of infertility treatment	8	22.9%
4	Absent uterus	16	45.7%
		35	100%

Incidence of doctors involved in surrogacy practice

In the study of 35 doctors, 34 doctors i.e., 97.1% said that they were not involved in the practice of surrogacy. 1 doctors i.e.,2.9% said that he was involved in surrogacy practice (Table 4).

Table IV showing the incidence of doctors involved in surrogacy practice

Sl.No	Involvement in surrogacy	No. of doctors	%
1	Yes	1	2.9%
2	No	34	97.1%
		35	100%

Incidence of doctors' involvement in selection of surrogates

In the study of 35 doctors, 33 doctors i.e., 94.3% were not involved in the selection of surrogate. 5.7% i.e., 2 doctors were involved in the selection of surrogate (Table 5).

Table V showing doctors involvement in selection of surrogates.

Sl.No	Selection Involvement	No. of doctors	%
1	Yes	2	5.7%
2	No	33	94.3%
		35	100%

Incidence of awareness of legal aspects of surrogacy

In the study of 35 doctors, 25 doctors, i.e., 70.4% were aware of the legal aspects of surrogacy. 28.6% i.e., 10 doctors were not aware of legal aspects of surrogacy (Table 6).

Table VI Showing awareness of legal aspects of surrogacy.

Sl.No	Awareness of legal aspects	No.of doctors	%
1	Yes	25	71.4%
2	No	10	28.6%
		35	100%

Incidence of doctors opinion about surrogacy

In the study 65.7% i.e., 23 doctors agreed surrogacy as a method for infertility treatment 34.3% disagreed surrogacy as an option (Table 7).

Table VII showing doctors' opinion about surrogacy

Sl.No	Opinion	No. of doctors	%
1	Agree	23	65.7%
2	Disagree	12	34.3%
		35	100%

Incidence the expenditure involved in surrogacy

In regard to expenditure involved in surrogacy 13 doctors i.e., 37.1 % said that it would cost about 1 lakh to 2 lakhs. 28.6% i.e. 10 doctors said that they have no idea regarding expenditure. 6 doctors. i.e., 17% said it could cost 2 to 3 lakhs, another 6 doctors said that would be 3 to 4 lakhs (Table 8).

Table VIII showing expenditure involved in surrogacy.

Sl.No	Expenditure involved	No. of doctors	%
1	No idea	10	28.6%
2	1-2lakhs	13	37.1%
3	2-3	6	17.1%
4	3-4	6	17.1%
		35	100%

Incidence regarding cases of surrogate birth occurred in the centre

In the study all 35 doctors i.e., 100% had said surrogate birth have not occurred in their center (Table 9).

Table IX showing surrogate birth occurred in centre

Sl.No	Cases of surrogate birth in centre	No. of doctors	Percentage
1	Nil	35	100%

Incidence regarding negotiation with the surrogate mother

In the study of 35 doctors, 30 doctors i.e., 85.7% said that they would not negotiate with the surrogate mother in regard with any issues, 5 doctors i.e., 14.3% they would negotiate in all aspects with the surrogate mother (Table 10).

Table X showing negotiation with surrogate mother

Sl.No	Negotiation with Surrogate Mother	No. of doctors	%
1	Yes	5	14.3%
2	No	30	85.7%
		35%	100%

Incidence of suggestion of adoption of child for infertile couples

In the study of 35 doctors, 34 doctors i.e., 97.1% suggested that they would suggest adoption of child for infertile couples. 2.9% i.e., one doctor said that they would not suggest adoption of child (Table 11).

Table XI showing adoption of child for infertile couples.

Sl.No	Suggest adoption	No. of doctors	%
1	Yes	34	97.1%
2	No	1	2.9%
		35%	100%

Conclusion

The present study was undertaken to focus light upon survey to evaluate the attitude of doctors about surrogacy. A total number of 35 doctors treating infertile couples were interviewed. The results of the present study are summarized below.

1. 57.1% of doctors said 10-20% of infertile couples agreed for surrogacy
2. Majority of doctors 45.7% considered surrogacy to infertile couples in cases of absent uterus.
3. Majority of doctors 97.1% were not involved in surrogacy practice.
4. Majority of doctors 94.3% were not involved in the selection of surrogates.
5. 71.4% of doctors were aware of legal aspects of surrogacy.
6. 71.4% doctors were aware of ethical aspects of surrogacy.
7. 37.1 % of doctors said the expenditure involved in surrogacy was about 1-2 lakhs.
8. All doctors 100% said that surrogate birth had not occurred in the centre.
9. Majority of doctors 85.7% did not negotiate with the surrogate mothers
10. Majority of doctors 97.1% suggested adoption for infertile couples.

Central government's proposed Assisted Reproductive Technology (ART) bill should address the existing grey areas of giving protection to surrogates, treatment of medical complications during child birth and care of a child born with a physical or mental defect. It should pave way to prevent exploitation the economically weaker section that opt for commercial surrogacy for monetary reasons. It should also address ambiguity about the child's right to know about his/her biological parents. The rampant commercialization of surrogacy is a looming fear.

There are previous studies on awareness of legal ethical issues of surrogacy among surrogate mothers³, commissioning

couples^{4,5,6} and common population⁷. But there is no existing literature on awareness of legal and social issues of surrogacy among doctors. This study points out the need for such studies which will increase awareness among existing practitioners. Increased awareness amongst treating doctors, couples and surrogates will ultimately result in feedback to the centre thereby resulting in a policy that will be in consensus with the stakeholders which is the key component for success of Governmental policies.

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SURVEY TO EVALUATE THE ATTITUDE OF DOCTORS ON SURROGACY

NAME :

ADDRESS:

ACADEMIC QUALIFICATION:

DURATION OF PRACTICE :

INFERTILITY TREATMENT:

1. Percentage of infertile couples you seen in your practices?

10-20 ☐ 20-30 ☐ 30-40 ☐ >40 ☐

2. Percentage of infertile couples you agree for Surrogacy?

10-20 ☐ 20-30 ☐ 30-40 ☐ >40 ☐

3. When do you consider Surrogacy to an infertility couple?

4. Are you involved in a Surrogacy practice?

Yes ☐ No ☐

5. Are you involved in selection of Surrogates?

Yes ☐ No ☐

6. What is the success rate in Surrogacy?

10-20% ☐ 20-30% ☐ 30-40% ☐ more than 40% ☐

7. Are you aware of the legal aspects of Surrogacy?

Yes ☐ No ☐

8. Are you aware of the Ethical aspects of Surrogacy?

Yes ☐ No ☐

9. Your opinion about Surrogacy?

Yes ☐ No ☐

10. What is the expenditure involved in Surrogacy?

1-2 Lakhs ☐ 3-4 Lakhs ☐ 3-4 Lakhs ☐ More than 4 lakhs ☐

11. How many cases of Surrogate Birth have occurred in your centre?

Yes ☐ No ☐

12. Do you negotiate with the surrogate mother?

Yes ☐ No ☐

13. Do you suggest adaptation of child for infertile couples?

Yes ☐ No ☐