

Steps For Intending Couple/ Intending Women of Indian Origin To Avail Surrogacy Under The Surrogacy (Regulation) Act, 2021

1. **Certificate of Recommendation** - a couple of Indian origin or an intending woman who intends to avail surrogacy, shall obtain a 'Certificate of Recommendation' from **the National Board***. **Apply in Form 1 with self attested required documents.** [see **Rule 4, the Surrogacy Rule- 2022**]

2. **Certificate of Essentiality** – Intending couple/women shall apply to **State Appropriate Authority**** the issuing authority of Certificate of Essentiality in Form-11 of proposed rule, after satisfying itself, for the reasons to be recorded in writing, about the fulfillment of the following conditions, namely-

a. Certificate of Medical indication in favor of either or both members of the intending couple or intending woman necessitating gestational surrogacy from the respective **District Medical Board*****. issued in Form 12 of proposed rule. [see Rule 14, the Surrogacy Rule- 2022]

b. An affidavit/order concerning the parentage and custody of the child to be born through surrogacy, has been passed by a court of the Magistrate of the first class or above on an application made by the intending couple or the intending woman and the surrogate mother, which shall be the birth affidavit after the surrogate child is born. Form 13 of proposed rule)

c. An affidavit on insurance coverage- The intending couple/women shall purchase a general health insurance coverage in favor of surrogate mother for a period of thirty six months from an insurance company or an agent recognized by Insurance Regulatory and Development Authority (IRDA Act, 41 of 1999) for an amount which is sufficient enough to cover all expenses for all complications arising out of pregnancy and also covering post partum delivery complication. The intending couple/women shall sign an affidavit to be sworn before a Metropolitan Magistrate or a Judicial Magistrate of the first class giving guarantee. [Rule-5 the Surrogacy Rule- 2022 and clause (q) of sub section (1) of section 2 of Surrogacy Act-2022]

3. **Certificate of eligibility-** issued separately by the State Appropriate Authority, In Form-17(intending couple) and Form-17 A(intending woman) of proposed rule, on fulfillment of the following conditions-

Eligibility criteria for intending couple

(I) the intending couple are married and between the age of 23 to 50 years in case of female and between 26 to 55 years in case of male on the day of certification;

(II) The intending couple have not had any surviving child biologically or through adoption or through surrogacy earlier:

Provided that nothing contained in this item shall affect the intending couple who have a child and who is mentally or physically challenged or suffers from life threatening disorder or fatal illness with no permanent cure and approved by the appropriate authority with due medical certificate from a District Medical Board; and

(III) such other conditions as may be specified by the regulations.

Steps For Surrogate Mother To Avail Surrogacy Under The Surrogacy (Regulation) Act, 2021

1. Certificate of eligibility- issued by the State Appropriate Authority, **In Form-17B (Proposed Rule)** on fulfillment of the following conditions-

Eligibility criteria for surrogate mother:

(I) no woman, other than an ever married woman having a child of her own and between the age of 25 to 35 years on the day of implantation, shall be a surrogate mother or help in surrogacy by donating her egg or oocyte or otherwise;

(II) a willing woman shall act as a surrogate mother and be permitted to undergo surrogacy procedures as per the provisions of this Act:

Provided that the intending couple or the intending woman shall approach the appropriate authority with a willing woman who agrees to act as a surrogate mother;

(III) no woman shall act as a surrogate mother by providing her own gametes;

(IV) no woman shall act as a surrogate mother more than once in her lifetime:

Provided that the number of attempts for surrogacy procedures on the surrogate mother shall be such as may be prescribed; and

(V) a Certificate of medical and psychological fitness for surrogacy and surrogacy procedures from a registered medical practitioner. [Form-14 Proposed Rule]

2. Consent Form- to withdraw her consent for surrogacy before the implantation of human embryo in her womb, [In Form-2, Surrogacy Rule-2022]

3. Consent of Surrogate for **Abortion/MTP** [in Form-18, proposed rule]

4. Screening of the Surrogate Mother. [in Form-19, proposed rule]

NB: * The National ART & Surrogacy Board –Chairperson, National ART & Surrogacy Board, 2nd Floor, IRCS Building 1, Red Cross Road, New Delhi - 110001 Email: sn.jasra38@nic.in

**** State Appropriate Authority-** Chairperson or State Nodal Officer, State Appropriate Authority under ART & Surrogacy Act, Address-Swasthya Bhawan, Salt Lake City, Sector:V, Block: GN-29 Kolkata -700091

***** District Medical Board:**

In Kolkata district-- OSD & Dy.DHS (Admin), 2nd floor, B Wing, Swasthya Bhavan. In other districts—Chief Medical Officer of Health and Chairperson of Dist. Med Board.

