**Manuscript evaluation guidelines**Title: **Right to be a Surrogate: Biological, Constitutional and Economic Perspectives**

1. Importance of the paper  
  
           Does it address issues relevant to the fields of bioethics and medical ethics in the developing countries?

**It does look at elements of ethical inquiry within the new surrogacy law in India, but the connections between the law and medical ethics need to be fleshed out better. The reader has to ‘look’ for the connections.**   
  
2. Is it topical? **Yes.**  
  
           Is the issue discussed from another country's/culture perspective?

**Not too much. I would suggest that the authors engage with surrogacy laws in countries such as Israel were commercial surrogacy is allowed, and endorsed; along with countries such as Germany where it is outlawed. And then there are countries like Japan, where the state does not have a stance on surrogacy per se, but the medical community outlaws it. That is a particular conversation on medical ethics and law that the authors can look at.**   
  
           Will it influence practice or policy?

**Has the potential to, but the authors need to be clear in their arguments.**   
  
           Is it too specialized for the journal?

**No, not at all.**  
  
3. Originality  
  
           Is the information /comment new?

**There is a lot of new information in the paper, but it is disappointing that the authors are unable to express and position the Bill in terms of how altruism is linked to bioethics. Why altruism? And why in a medical technological arrangement? I think the authors do engage with the issue by looking at the ART law, but are unable to bring out the importance of comparing the ART and surrogacy law. Sama Resource Group for Women and Health have published extensively on this, and need to be referred to.**

Is there any likelihood of plagiarism?

**No.**  
  
  
4. Conclusions  
           Is the interpretation warranted, unwarranted, well developed?

**The interpretation needs to be developed much more. I understand that the authors want to be sympathetic to the surrogate, but are unable to look at her beyond the tropes of motherhood, and relinquishing a child; or at the other extreme as someone seeking payment. Altruistic surrogates will probably be family members, and that is hugely problematic. What do the authors have to say about that, especially when eggs and sperm can not be taken from relatives or kin as per ART bill. Why this discrepancy?**

**The question of surrogacy as labour is also multifaceted: besides Amrita Pande, Sharmila Rudrappa, Anindita Majumdar, Daisy Deomampo, Elly Teman (for Israeli surrogates), have engaged with it in more depth. Also, the Rajya Sabha Report on the surrogacy Bill in 2018 is quite landmark in understanding the importance of reproductive labour. I would also recommend reading the Warnock Committee Report on the UK Bill on Surrogacy and ARTs to understand how altruism is framed within an ethics framework. Fenella Cannell discusses this in a long review paper.**   
  
           Does the article contain loose generalisations?

**In some places, especially regarding the pain of giving up the baby. Please rethink this.**   
  
           Are there any important omissions?

**The readings I have cited above.**   
  
  
5. Other comments  
  
  
6. Recommendation  
  
 Accept as is  
  
 **Accept with modifications (specify)**  
  
 - style

- substance  
  
  
  
7. Separate comments for the author

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\***Please let us know whether you would like your name to be published as a reviewer of the manuscript. This is optional.**