

that days are not very far when we will reach the twilight stage like our parents. Please remember our old parents are yesterday's children and we are tomorrow old parents. Old age is the closing period in the life span.

The non-Governmental organization (NGOs) involved in the welfare of the senior citizens should be encouraged and strengthened by the Government so that they could deliver services to the needy senior citizens in a respectful manner. Efforts should be made by NGOs to utilize the latent skills and rich experiences of older people.

Conclusion and Suggestions:

I feel that the education system must make children sensitive to the need of old parents and voluntary organization must take up the challenge of caring for the elderly. At the same time, there is need for generation awareness about the legal provisions for older parents and for establishing institution methodology for providing services to the elderly.

Despite the efforts the Government for the welfare and care of the elderly people, many of the schemes are not successful due to non-adjustment of the attitude towards the programmes by the senior citizens. Many studies have revealed that the old age homes in the metro cities are not in full capacity because most of the old people do not want to live there. They do not get emotional support in the old age homes

which they share with their family members, in spite of other atrocities they receive. So, the best could be to strengthen the family system and try to motivate the family members to take care of the aged. Family Counselling centers could be established.

The elderly should be considered as a valuable as a valuable human resource and their rich experience and residual capacities should be put to optimum use for the benefit of national development. To retain their respect and dignity, old-age insurance schemes can be initiated by the Government.

Abundance of time and of any task makes the old persons idle and emotionally deprived as there is seldom anybody to talk to them or share sometime with them. Organizing activity classes desired by them will compensate for their depression due to lack of emotional support from near and dear ones. Enhancing social networking among the elderly will contribute to their being updated about the latest in the world. Organizing community gathering which include participation of senior citizens of the neighborhood will sensitize the younger generation about the problems of elderly and inculcate feeling of doing service for the old.

ATLEAST A DUST BIN IS USED TO COLLECT WASTE MATERIAL, but Human life after attaining aged and with sickness is fit for nothing, they can only survive with Affection and Moral support.

SCIENCE AND TECHNOLOGIES AND DEVELOPMENT IN SURROGACY – MAJOR CHALLENGES

By

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MONEY CANNOT BUY EVERYTHING, but if you believe in the Philosophy of parenthood was one among them. You can be certain to have that belief fall flat.

A Women 'Renting a Womb' to realize the joy of motherhood, is today being bravely Embraced by the Society. Increasing in acceptance of latest reproductive technologies claimed success rates, not just from here but from across the world to make Hyderabad destination – Chiefly Surrogacy.

Surrogacy is a method in which a woman bears a child for another woman. It can include a sister, mother, and close friend of the couple, women with or without children known or unknown to couple, who rents her womb for a fee.

There are two main kinds of surrogacy.

1. Gestational Surrogacy: Is one in which a woman has her uterus removed but still has ovaries. She can provide the egg to make a baby, but has no womb to carry it. The egg of the wife is fertilized with the husband's sperms by IVF/ICSI procedure, and then the Embryo is transferred into the uterus of surrogate mother which she carries it for nine months.

- A Woman whose uterus is malformed or damaged and is incapable of carrying a Pregnancy.
- Women who suffer from medical problems such as diabetes, heart and kidney diseases and in whom a pregnancy would be life threatening.
- Repeated miscarriages where the causes of miscarriage who have failed repeated IVF attempts for unexplained reasons, may also suggest Gestational surrogacy treatment.

Most intended parents prefers Gestational surrogacy.

2. Traditional/Natural/Straight surrogacy: Here the Surrogate is inseminated with sperm from the male partners of an infertile couple. The child that results is genetically related to surrogate and to the male partner but not to the commissioning female partner.

- A woman who has no functioning ovaries due to premature menopause.
- A woman who is at risk of passing on a genetic disease to her offspring
- Women who suffer from medical problems such as diabetes, heart and kidney diseases and in whom a pregnancy would be life threatening. Surrogacy in India does not advocate or promote Traditional Surrogacy.

¹The world's second and India's first IVF (in vitro fertilization) baby, *Kanupriya* alias *Durga* was born in Kolkata on October 3, 1978 about two months after the world's first IVF boy, *Louise Joy Brown* born in Great Britain on July 25, 1978. Since then the field of assisted reproductive technology (ART) has developed rapidly. The growths of SCI Healthcare as a growing number of clients from around the world seek IVF and surrogacy treatment. Due to the demand for services, IVF and Embryology treatment needed to be brought under the management of SCI Healthcare and ISIS Hospital is a brand new Multispeciality IVF Centre in New Delhi.

Surrogacy can be an expensive process, with costs ranging anywhere from \$15,000 to \$100,000 for the entire process. Most medical insurance plans do not cover surrogacy. Costs associated with surrogacy include the costs of medications for the surrogate, housing and living expenses costs to the fertility centre and other related fee. There are also fees for enforcing surrogacy contract in Court.

Five years ago there used to be one surrogacy case in a year, but today with at least two cases every month. Because surrogacy is 3 times cheaper in India than abroad. Hence facilitating 'Reproductive Tourism'². Poor, Widowed, uneducated, unemployed women with a family to look after Rs.2 lakhs offered by agents or by certain clinics. Although married and with

1. <http://lawcommissionofindia.nic.in/reports/report228.pdf>

2. The Hindu * Saturday, March 24, 2012.

children these women are forced by husbands to act as surrogates for nine months.

FOR A WOMEN IT'S A REBIRTH – Punarva Janam.

Such an auspicious place where a child is completely trained for future goal in the 'Womb' itself. If we go to Mahabharata and the Puranas....

The battle for man's soul begins in the womb itself. As an unborn child in his mother's womb, *Abhimanyu* learned the knowledge of entering the deadly and virtually how to enter the *Chakravyuha* (Wars of Hindu Mythology) from his father *Arjuna* explains to wife *Subhadra* in detail, the technique of attacking and escaping (an array of army formation) etc. When he was about to explain how to exit from the *Chakravyuha*, he realises that *Subhadra* is asleep. As a result, he could not hear the whole story about how to exit.

Here we know about the *Spiritual development of child in 'womb' itself.*

Saga Narada Muni narrator *Narayana Mantra* to *Leelaavati* when she was holding (*Bhakta Prahlada*) in her Womb. *Narada Muni* happened to be there and heard it from mother and the baby in the womb also.

So, by this we can conclude that the mother's EMOTIONAL ATTACHMENT plays a vital role in the development of a child in the 'Womb' itself.

Motherhood respect vanishes by healthy women who do not wish to undergo a pregnancy (Such as models, actresses or professionals) use a surrogate. Couples earlier shied away from revealing the child as one obtained from a surrogate mother. But now the society at large is much more open to this idea. Mother's Love & Affection towards the child cannot be evaluated or calculated with currency. But now baby is getting trained for corruption and being commercialized in the 'Womb' itself.

A surrogacy arrangement should provide for financial support for surrogate child in

the event of death of the commissioning couple or individual before delivery of the child, or divorce between the intended parents and subsequent willingness of name to take delivery of the child. Its provisions would stipulate that only woman between the age of 21 and 35 can be surrogates. It sets the maximum number of times a woman can contract her womb for surrogacy at five live births. A surrogacy contact should necessarily take care of life insurance cover for surrogate mother.

Law silent on protecting rights of a surrogate.

Surrogacy laws vary widely by State, with some States expressly allowing surrogacy, while others expressly forbid surrogacy. About half the States are silent on the issue of surrogacy and have no express laws either allowing or disallowing the process.

New York does not allow commercial surrogacy and New Yorkers opt to go for some other place where surrogacy is legal to have children from there. The New South Wales in Australia passes the Surrogacy Bill 2010 which was much debated by the citizen prior to its introduction. The highlights of the bill are that Altruistic surrogacy is now allowed and commercial surrogacy remains to be banned.

Today the process of surrogacy is only governed by a private contract between the two involved parties. The law is silent on all issues concerned with protecting the rights of a willing surrogate. Merely few guidelines issued by the Indian Council of Medical Research govern surrogacy today. We have all kinds of legal documents to protect the commissioning couple. The surrogate mother stands to lose in the absence of concrete laws to protect her, and the provisions of the act bill are probably not enough, and there is no law or guidelines in India as yet. This is why the element of trust between the couple and the surrogate mother is so important.

In India, according to the National Academy of Medical Sciences (NAMS), the surrogate mother is not considered to be

the legal mother. The birth certificate is made in the name of the genetic parents. The US position as per the Gestational Surrogacy Act 2004 is pretty similar to that of India.

³Lack of any Enforcement law and regulatory mechanism in the process has reduced parenthood into just another commercial venture. By the time a law is formulated in our country several would have already taken undue advantages of its absence. There is no law to protect a surrogate or to ensure that she receives the promised amount. The 10th draft bill last amended in 2008, on surrogacy has simply been pending for years.

Booming business for agents and clinics

⁴Clinics and agents are formulating attractive 'Packages' to deliver baby for a sum at the end of 10 months. Rs.8 lakhs collected from a couple, the surrogate gets Rs.2 lakhs

The surrogate mother is paid in several installments at different stages of pregnancy, to ensure she does not escape. Surrogate mother is paid First installment Rs.25,000/- if her body doesn't reject the fertilized egg, during the 3 months. Second installment is Rs.25,000/- is paid at fifth month. Third installments Rs.25,000/- in the seventh month and the balance amount is paid only after she delivers the baby. The IVF costs upto Rs.1.5 lakhs, clinics spend Rs.1.5 lakhs for maintaining

the surrogate. Thus clinics get a profit of Rs.3 lakhs for every case. Every time a woman refers another to an agent for surrogacy, she receives a sum of Rs.25,000/-.

Conclusion:

The Science and Technology should focus on diabetics and infected persons, HIV, in India more than Rs.5.56 lakhs were killed in 2010 due to cancer, and there are many other skin diseases. So, where does this science and technology stand?

There is a need for strong legislation to regulate the practice of using science and technology. Many people are worried about the possibility of the surrogacy technique being misused. They feel it may allow the exploitation of poor women who may be used as "Human Machines" to bear babies

Online Marriages, online surrogacy and then also no time for parents to take care of child they go for baby cares, hostels *etc.*, and online divorce. Lack of love and affection from the parental to a child. If this is scenario by 2025 no couple will have their own child.

Apart from the above reasons there is a need to legislate necessary laws to regulate the agreements relating to surrogacy as the dispute may remain unsound, if the required laws are not made.

LAW RELATING TO CAPITAL PUNISHMENT IN INDIA : OVER VIEW

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Introduction

Capital punishment is the punishment of death which is generally awarded to those

who are guilty of heinous crimes, particularly murder and child rape. In India the traditional way of awarding this punishment is "handing by the neck" till the death of the criminal. In other countries, shooting, electric chair, *etc.*..., are the various devices

3. Ibid .

4. The Hindu * Saturday, March 24, 2012.