

SOCIAL ISSUE**The debates around the Surrogacy Act**

CONTEXT : Petitioners in the Delhi High Court questioned why marital status, age, or gender were the criteria for being allowed to commission or not commission surrogacy in India

What is the Surrogacy Act?

- The Surrogacy (Regulation) Bill was introduced in Parliament in November 2016, and passed in the winter session of Parliament in 2021.
- The Act sought to regulate the surrogacy part of a rather flourishing infertility industry in the country.
- Defining ‘surrogacy’ as a practice where a woman undertakes to give birth to a child for another couple and agrees to hand over the child to them after birth, it allows ‘altruistic surrogacy’ wherein only the medical expenses and insurance coverage is provided by the couple to the surrogate mother during pregnancy. No other monetary consideration will be permitted.

Why is there a need for a Surrogacy Act in India?

- India has emerged as a hub for infertility treatment, attracting people from the world over with its state of the art technology and competitive prices to treat infertility.
- Due to prevailing socio-economic inequities, underprivileged women found an option to ‘rent their wombs’ and thereby make money to take care of their expenses — often to facilitate a marriage, enable children to get an education, or to provide for hospitalisation or surgery for someone in the family.
- Once information of the availability of such wombs got out, the demand also picked up. Unscrupulous middle men inveigled themselves into the scene and exploitation of these women began.
- Several instances began to emerge where women, in often desperate straits, started lodging police complaints after they did not receive the promised sum.
- Other issues also began to crop up. For instance, in 2008 a Japanese couple began the process with a surrogate mother in Gujarat, but before the child was born they split with both of them refusing to take the child. In 2012, an Australian couple commissioned a surrogate mother, and arbitrarily chose one of the twins that were born.
- The time therefore, was ripe for proper regulation.

Who all are allowed to make use of the services of a surrogate mother?

- Any couple that has ‘proven infertility’ are candidates. The ‘intending couple’ as the Act calls them, will be eligible if they have a ‘certificate of essentiality’ and a ‘certificate of eligibility’ issued by the appropriate authority. The former will be issued if the couple fulfils three conditions: One, a certificate of infertility of one or both from a district medical board; Two, an order of parentage and custody of the surrogate child passed by a Magistrate’s court; Thirdly, insurance cover for the surrogate mother.
- An eligibility certificate mandates that the couple fulfil the following conditions: They should be Indian citizens who have been married for at least five years; the female must be between 23 to 50 years and the male, 26 to 55 years; they cannot have any surviving children (biological, adopted or surrogate); However, this would not include a ‘child who is mentally or physically challenged or suffers from life threatening disorder or fatal illness.’

Who can become a surrogate mother?

- Only a close relative of the couple can be a surrogate mother, one who is able to provide a medical fitness certificate.
- She should have been married, with a child of her own, and must be between 25 and 35 years, but can be a surrogate mother only once.

What are the controversies behind the Act?

- Even at the Bill stage, while there was a general murmur of appreciation, and some strident approval from infertility experts, there was some apprehension about the too restrictive regulations.
- For instance, it does not allow single women, or men, or gay couples to go in for surrogacy. Representations from these groups emerged even as Health Minister J.P. Nadda introduced the Bill in the House.
- Others, primarily those involved in organ transplantation, pointed out how despite a similar, stringent law — the Transplantation of Human Organs Act — organ commerce continues to thrive in the country.
- Brokers continue to operate, though with less temerity and more covertly, sometimes with hospital authorities, to pull wool over the eyes of the appropriate authority and law enforcement officials. Clearly the issue will have to be handled with a stern visage, even as sensitivities of people are factored in.

What lies ahead?

- These apprehensions and perceived hitches due to the exclusionary criteria, have already come to the forefront in the short period that the Act has been operational. A path of litigation is possibly the course ahead, and if a critical mass builds up, amendments might have to be resorted to in order to resolve the grievances and ensure access for all categories of parents.

PRELIMS

1. Tamil Nadu sculptures recovered from Australia, US

Ten antiquities (sculptures) retrieved from Australia and the United States were handed over to the Government of Tamil Nadu in Delhi.

Some of the returned antiquities, and how they had gone missing:

- **Dvarapala:** Retrieved in 2020 from Australia, this stone sculpture belongs to the Vijayanagar dynasty dating to the 15th-16th century. He is holding a gada in one hand and has another leg raised up to the level of his knee. The sculpture was burgled from Moondreeswaramudayar Temple, Tirunelveli in 1994.
- **Nataraja:** Retrieved in 2021 from the US, this image of Nataraja, a depiction of Shiva, in his divine cosmic dance form, is in tribhanga posture, standing on the lotus pedestal. It is dateable to the 11th-12th century. Possibly, ananda tandava or the Dance of Bliss is portrayed here. The sculpture was burgled from the strong room of Punnainallur Arulmigu Mariyamman Temple, Thanjavur, in 2018.
- **Kankalamurti:** Retrieved in 2021 from the US, Kankalamurti is depicted as a fearsome aspect of Lord Shiva and Bhairava. The sculpture is four-armed, holding ayudhas such as damaru and trishula in the upper hands and a bowl and a trefoil shaped object, as a treat for the playful fawn, in the lower right hand. The idol is dateable to the 12th-13th century, and was stolen from Narasinganadhar Swamy Temple, Tirunelveli in 1985.
- **Nandikeshvara:** Retrieved in 2021 from the US, this bronze image of Nandikeshvara, dateable to the 13th century, is shown standing in tribhanga posture with folded arms, holding an axe and a fawn in the upper arms, with his forearms in namaskara mudra. This sculpture was stolen from Narasinganadhar Swamy Temple, Tirunelveli, in 1985.
- **Four-armed Vishnu:** Retrieved in 2021 from the US, dateable to the 11th century, and belonging to the later Chola period. The sculpture has Lord Vishnu standing on a padma pedestal holding attributes such as shankha and chakra in two hands; while the lower right hand is in abhaya mudra. It was stolen from Arulmigu Varadharaja Perumal Temple, Ariyalur, in 2008.
- **Goddess Parvati:** Retrieved in 2021 from the US, the image depicts a Chola-period sculpture dateable to the 11th century. She is shown holding a lotus in the left hand whereas the right is hanging down near her kati. This sculpture was also stolen from Arulmigu Varadharaja Perumal Temple, Ariyalur in 2008.

- **Standing child Sambandar:** Retrieved in 2022 from Australia. Sambandar, the popular 7th-century child saint, is one of the Muvar, the three principal saints of South India. The sculpture is dateable to the 11th century. The legend goes that after receiving a bowl of milk from Goddess Uma, the infant Sambandar devoted his life to composing hymns in praise of Lord Shiva. The sculpture displays the saint's childlike quality, while also empowering him with the maturity and authority of a spiritual leader. It was stolen from Sayavaneeswarar Temple, Nagapattinam, between 1965 and 1975.

2. **Soft Robots**

Researchers have now developed soft robots that are capable of navigating complex environments, such as mazes, without input from humans or computer software.

- Soft robots are **flexible robots** that can be programmed to execute specific tasks.
- Unlike their hard-edged cousins, they can be used to perform more delicate manoeuvres, such as reaching into difficult crevices or holding onto delicate objects.
- They are usually made of **liquid crystal elastomers**, which are polymers having viscosity and elasticity.
- The latest designs have them shaped like **twisted ribbon**, resembling translucent rotini.
- These soft robots demonstrate a concept called '**physical intelligence**,' as opposed to computational intelligence.
- Structural design and smart materials are what allow the soft robot to navigate various situations by drawing energy from its environment. This is called Physical intelligence.
- **Working** - Twisted ribbon is placed on a surface that is at least 55 degrees Celsius hotter than the ambient air.
- This causes the portion of the ribbon touching the surface to contract, while the portion of the ribbon exposed to the air does not.
- This induces a **rolling motion** in the ribbon and the **warmer the surface, the faster it rolls**.
- **Navigation** - The ribbon robot navigates in two ways.
- First, if one end of the ribbon encounters an object, the ribbon **rotates** slightly to get around the obstacle.
- Second, if the central part of the robot encounters an object, it "**snaps**."
- The snap is a rapid release of stored deformation energy that causes the ribbon to jump slightly and reorient itself before landing.
- Many soft robots are made to resemble living organisms, such as octopus, and are manufactured using 3-D printers.
- Popular uses of these robots are in surgeries or making specialised exo-suits that can help in rehabilitating patients.
- **Drawback** - The soft materials reduce their durability as well make them harder to control.

3. **Sant Kabir Das**

President Ram Nath Kovind inaugurated Sant Kabir Academy and Research Centre at Sant Kabir Nagar in Uttar Pradesh .

About

- He was a **15th-century Indian mystic, social reformer, poet** and saint who had a significant **role among the people in India**.
- He was brought up in a family of **Muslim julahas** or weavers settled in or near the city of Benares (Varanasi).
- He was best known for his two-line couplets, known as '**Kabir Ke Dohe**'.
- He is a widely revered poet whose works had a tremendous influence on **the Bhakti movement**.
- Kabir's legacy is still going on through a **sect known as Panth of Kabir**, a religious community that considers him as the founder.

- He is an ideal example of communal solidarity.
- He believed that God resides within us and took the charge of social **emancipation and led his family life as a saint.**
- **Teaching**
- Teachings were based on a complete, **indeed vehement, rejection of the major religious traditions.**
- His teachings openly ridiculed all forms of **external worship** of both **Brahmanical** Hinduism and Islam, the pre-eminence of the priestly classes and the caste system.
- Kabir believed in a **formless Supreme God** and preached that the only path to salvation was through bhakti or devotion.
- He drew his followers from among both Hindus and Muslims
- According to him every life has a relationship with **two spiritual principles (Jivatma and Paramatma).**
- His view about the moksha is that it is the process of uniting these two divine principles.
- He spread the message of **love, devotion and harmony** in the tumultuous times when India faced the wrath of foreign invaders.
- He communicated **directly to the masses** in their local dialect and it was necessary to awaken the society which was divided on the lines of caste and creed.
- He took the initiative to remove the evils, ostentation and discrimination and also lived the household life like a saint.
- Kabir Das' writings had a great influence on the Bhakti movement and includes titles like Kabir Granthawali, Anurag Sagar, Bijak, and Sakhi Granth, Panch Vani
- The major part of his work was collected by the fifth Sikh guru--Guru Arjan Dev.

ANSWER WRITING

Q. Analyze the distinguishing feature of the notion of right to equality in the Constitution of USA and India

Introduction

Both the United States and India are the largest democratic countries in the world, based on federalism, in their political structure. Democracy can only thrive and flourish where the individuals in society are treated equally and without discrimination. Thus, it was necessary to incorporate provisions in the Constitution to remove the hurdle of existing social and economic inequalities and enable the diverse communities to enjoy the rights and liberties guaranteed under the Constitution.

The right to equality means the absence of legal discrimination on grounds of caste, race, religion, sex, and place of birth and ensures equal rights to all citizens.

- **Right to Equality in India:** In India, Chapter III named as “Fundamental Rights” was added in the Constitution by the Constituent Assembly. The Constitution follows both the British model of ‘Equality before Law’ and American model of ‘equal protection of law’ (Article 14). It also provides for both civil-legal as well as socio-economic equality. It also highlights substantive equality. The Constitution also provides for affirmative action to ensure equality (Article 16). It focuses on ensuring equality of outcomes along with equality of opportunity. The right also prevents discrimination and abolishes untouchability (Article 17).
- **Right to Equality in the US:** The original Constitution did not prevent discrimination. The US derived Right to Equality from Declaration of Rights and the Bill of Rights. It was inserted in the Bill of Rights through fourteenth Amendment in year 1868. The US follows the concept of ‘equal protection of law’ which highlights the equal treatment under equal circumstances. The right majorly emphasises on civil and legal equality.

Conclusion

The Right to Equality is considered a basic feature of both the Constitutions and plays a key role in achieving social and economic justice in our society where upliftment of certain classes is considered necessary for our country to flourish. The emphasis is on the fundamental unity of individuals by providing equal opportunities and treatment to all.

QUIZ

1. Consider the following
 1. **Dvarapala** :- Moondreeswaramudayar Temple.
 2. **Nataraja**- Punnainallur Arulmigu Mariyamman Temple.
 3. **Kankalamurti**: - Narasinganadhar Swamy Temple.
 4. **Nandikeshvara**: - Narasinganadhar Swamy Temple.
 5. **Four-armed Vishnu**: - Arulmigu Varadharaja Perumal Temple.
 6. **Standing child Sambandar**: - Sayavaneeswarar TempleHow many pairs given above are correctly matched?
 - a) Only one pair
 - b) Only three pairs
 - c) Only four pairs
 - d) **All six pairs**
2. President Ram Nath Kovind inaugurated Sant Kabir Academy and Research Centre at Sant Kabir Nagar in Uttar Pradesh, which of the following is not correct about the teachings of Sant Kabir Das?
 - a) Kabir believed in a formless Supreme God and preached that the only path to salvation was through bhakti or devotion
 - b) According to him every life has a relationship with two spiritual principles (Jivatma and Paramatma)
 - c) **His teachings openly ridiculed all forms of external worship of Brahmanical Hinduism only**
 - d) Teachings were based on a complete, indeed vehement, rejection of the major religious traditions.
3. Which of the following eligibility are mandate by the surrogacy Act through eligibility certificate
 1. They should be Indian citizens who have been married for at least five years
 2. The female must be between 23 to 50 years and male must be 26 to 55 years
 3. They cannot have biological surviving children only
 4. Parents can apply if they have survived by a 'child who is mentally or physically challenged or suffers from life threatening disorder or fatal illness.Choose the correct statement/s using the code given below
 - a) **1 and 2 only**
 - b) 2 and 3 only
 - c) 3 and 4 only
 - d) 1,2 and 4 only
4. "Sweet Revolution" is related to
 - a) **Development of scientific beekeeping**
 - b) Increasing the exports of Raw Milk
 - c) Increasing the exports of processed milk products
 - d) Promotion of Sugarcane cultivation
5. Which of the following is/are feature(s) of the Indian Judiciary?
 1. High courts have jurisdiction over cases arising under the law enacted by Parliament as well as State Legislature

2. The writ-jurisdiction of the High Courts cannot be invoked to control the administrative process. 3. The tenure of the Supreme Court Judges is independent of the will of the executive

Select the correct answer using the code given below.

- a) 1 only
 - b) 2 and 3 only
 - c) **1 and 3 only**
 - d) 1, 2 and 3
6. Consider the following pairs
- 1. Basel convention - Control of trans boundary Movement of Hazardous waste
 - 2. Rotterdam Convention - Persistent Organic Pollutants
 - 3. Stockholm convention - Hazardous chemical and pesticide
 - 4. Minamata - Mercury

Which of the above pairs matched correctly?

- a) 1 and 2 only
 - b) 2 and 3 only
 - c) 2 and 4 only
 - d) **1 and 4 only**
7. Consider the following statement with regards to Organization for the Prohibition of Chemical Weapons (OPCW).
- 1. The OPCW is a intergovernmental organization based in Netherland
 - 2. Nobel Peace Prize has been given to OPCW
 - 3. India is one of the four non elected members of Executive Committee

Choose the correct statement using the codes given below

- a) 1 only
 - b) 2 and 3 only
 - c) 2 only
 - d) **All of the above**
8. Consider the following statements:
- 1. India's rank has been on upward in the global Sustainable Development Report over the past two years.
 - 2. India's performance on climate action, (SDG) 13, has slipped from 2019-to 2020.

Which of the above statement/s is/are correct?

- a) 1 only
 - b) **2 only**
 - c) Both 1 and 2
 - d) Neither 1 nor 2
9. Consider the following with reference to soft robots recently seen in news
- 1. Soft robots are flexible robots that can be programmed to execute specific tasks
 - 2. They are usually made of liquid crystal elastomers.

Select the correct answer using the code given below

- a) 1 only
 - b) 2 only
 - c) **Both 1 and 2**
 - d) Neither 1 and 2
10. What is the IUCN status of Great Indian Hornbill?
- a) **Near threatened**
 - b) Extinct In Wild
 - c) Vulnerable
 - d) Endangered