

Surrogacy as an Alternative for Depressive Infertile Couples

Shyamantak Misra¹, Prafulla Chandra Mishra²

¹Research Scholar, ²Dean, School of Law, KIIT, Bhubaneswar, Odisha, India

Abstract

This piece of work aims to provide a clear picture of the available alternatives to the intending infertile couples and how far surrogacy is acceptable as an alternative to the prolonged infertility treatments that ultimately lead to depression symptoms like anxiety and other expressed emotional patterns. It's a bestowed power on women to cherish the experience of motherhood but unfortunately not all the women are lucky enough to conceive and enjoy the joyous feeling of being a mother and experiencing motherhood. It's usually a dubious decision to make for the intending infertile couples whether to continue with the infertility treatments to have a child of their own or opt for an alternative like Surrogacy or Adoption. This article states the need of taking up an alternative before it's too late and emphasizes on the reasons for taking up surrogacy as an alternative above the other available ones and also mentions the reasons why couples do not opt for surrogacy so that one takes care of the same while choosing the same. The procedure to be followed by such couples while selecting this alternative has also been stated so that they find themselves in a better position than the once suffering to get through.

Keywords: Surrogacy, Infertile, Depression, Artificial reproductive techniques, Anxiety, Stress.

“Little souls find their way to you whether they are from your womb or someone else's”. - Sheryl Crow

Introduction

The capacity to procreate a life has been bestowed by the nature to women and this experience of motherhood is cherished by every woman barring a few, who suffer from certain physiological conditions or infertility problems and unfortunately cannot give birth to their own offspring. However the desire to have a child of their own leads them to search for alternatives and out of several available options, Surrogacy and Adoption are most preferred ones. Few infertile couples without opting for the available alternatives continue with their fertility treatment for years together which then on being unfruitful leads to certain symptoms of depression like anxiety and other expressed emotional patterns.

Barrenness and Its Impact:

Every couple has an inherent desire to have a genetically related or blood-related child of their own. In most of the religions around the world this need for a child has been emphasized on, may it be for taking forward the family traditions or performing the funeral pyre, for preserving the community they belong to and so on. A deviant behaviour in marriage that leads to adverse effects on the relationship of such married couples while pertaining to the lack of a child being involuntary may be considered as childlessness. Many research papers highlight the social or cultural, stigma and isolation suffered by the infertile married couples. Such childlessness suffered due to infertility, physiological or other psychological medical problems involves anxiety and stress. The infertility treatment that such couple or women go through involves treatment that might be very painful, expensive, and might create a strain on the relationship of such couple which is difficult to handle with patience. Even after all this there's no guarantee

Corresponding Author:

Mrs. Shyamantak Misra

Research Scholar, School of Law, KIIT,
Bhubaneswar-751004, Odisha, India, Email-Id:
shyamantakmisra@gmail.com, Mob: 7978707612

that you could be able to procreate a child of your own.

Ways to Overcome Childlessness:

In the ancient times people believed that children are a gift of God and if one is unable to conceive that means it's a curse of God due to some sins that the couple might have committed. Therefore the only way to overcome this was by performing religious rituals to appease God.¹ Even second marriages to have a child was approved or to beget proved to be unsatisfactory in the long run. As we improved in legal arena, the method of Adopting a child legally became a way to overcome childlessness, even then ones wish of a genetically related child remained unfulfilled. With the development in science and technology in the field of human reproduction, various techniques were evolved like Artificial Insemination (AI), In Vitro Fertilization (IVF), Surrogacy etc.²

According to "INDIAN SOCIETY OF ASSISTED REPRODUCTION" - "Infertility currently affects about 10-14% of the Indian population which is nearly 27.5 million couples, especially in urban areas where one out of six couples are impacted".³

Therefore, its high time to think of the available alternatives instead of brooding over the infertility treatment for years together that impact the physical and mental health as well. In order to reduce the rate of such couples suffering from infertility there are various available options but the point is the major reason behind not opting for any of them being the genetic link in maximum of cases. Thus, only surrogacy can fulfil the dream of having a child with genetic link too. Whereas in case of Adoption the child may not have anything in similar with the adopting parents.

The reproductive environment has been revolutionized and advancement in Assisted reproductive techniques like embryo transfer methods, donor insemination etc. are the major reason behind surrogacy being the most desirable option. This process of surrogacy has been the ray of hope for thousands of infertile couples, who longed to have a kid of their own.

The word surrogate means substitute⁴. Surrogate mother acts as a substitute for the genetically biological mother who is unable to give birth for various infertility problems. Thus, a surrogate mother is a person who is recruited to rent her womb and bear the child till birth and ultimately hand over the child to her employer couple.

As per the ART (Artificial Reproductive Technique) Guidelines Government of India: "Surrogacy is an arrangement in which a woman agrees to a pregnancy, achieved through assisted reproductive technology, in which neither of the gametes belong to her or her husband, with the intention of carrying it to term and handing over the child to the person or persons for whom she is acting as surrogate and a surrogate mother is a woman who agrees to have an embryo generated from the sperm of a man who is not her husband, and the oocyte for another woman implanted in her to carry the pregnancy to full term and deliver the child to its biological parents(s)".

Earlier surrogacy arrangements were limited to family, friends, and close relatives as an altruistic deed (Altruistic Surrogacy). But in the past few years Surrogacy has widely spread its wings across the country with financial arrangements leading to commercialisation. Thus, leading to a contract of the biological functioning of a woman's body. Surrogacy advertisements are common nowadays where the whole process of commercial surrogacy involves recruitment of Surrogate mothers and making contracts between the infertile couple and such surrogate and making huge profits out of such arrangements. This commercialization of Surrogacy in India has raised the fear of blackmarketing, however finally giving a child to a childless couple seems to take over all the other sins and materialistic values that one needs to sacrifice in the process.

REASONS FOR TAKING UP SURROGACY AS AN ALTERNATIVE:

Surrogacy agreements benefit both the parties in need. In the surrogacy arrangement, the barren lady

gets a baby and poor lady gets monetary consideration for the same.

- Get to complete your family with genetic connection with your child using gestational surrogacy and maintain a biological relationship.

- Get a legally sound relationship and confirm your legal rights by undergoing a legally binding contract, well negotiated and signed and obtain court order prior to the birth of the child.

- Get to be a part and parcel of the whole process from conceiving to birth along with the surrogate and help her in having a healthy pregnancy, whereas in Adoption you have no idea of all these.

- Get a better assurance of success rate since surrogacy has a good track record for successfully delivering babies to the intending parents than the other fertility treatments.

- Get to raise the child from birth and can inculcate moral values from the beginning.

REASONS FOR NOT OPTING FOR SURROGACY AS AN ALTERNATIVE:

- The intending parents might get to go through a complex medical procedure in case of gestational surrogacy.

- The intending couple might find it overwhelming at times complying with the legal procedures involved. However, appointing trusted legal professionals for the same can be of great help.

- The Surrogacy in practice exploits women physically and emotionally.

- The surrogate mothers are mostly from poor financial background and hence unaware of their legal rights and unable to appoint lawyers for themselves. They however sign the contract in want of money and later find it difficult to escape from the contract.

- The intending couple may experience lack of patience in need of a greater sense of control over your

surrogate, so you will have to trust your surrogate for the pregnancy.

To what extent the factors like Anxiety, depression, emotional distress etc. correlates to functional infertility isn't clear yet. Many investigations showed contradictory results while demonstrating a link between infertility and psychopathology, some authors did not find significant differences,⁵ whereas few others reported greater degrees of maturity fear⁶ and interpersonal distrust, anxiety and dissatisfaction, depression, and a tendency toward somatization in women with 'functional' infertility.

Several descriptive studies relating to infertile couples suggests a greater susceptibility to depression and anxiety as a factor that reduces the ability to become pregnant or conceive.

Conclusion

Thus, the Gestational surrogacy market in India provides the barren couples with the opportunity to create offspring's that are biologically related. It also gives the financially weak surrogate women an economic opportunity to carry a baby and get financial benefits. However, there are other less harmful ways to get benefits and create opportunities than the ones created by India's gestational surrogacy market. Providing proper higher education to women and then proper training can make them capable for jobs that aren't putting them at risk physically and emotionally. Further surrogacy India commodifies women unlike the Americas non-commercial surrogacy arrangements that create biological offspring's too with a friend or family member.⁷ Since the benefits are achievable through less detrimental means the harms that occurs due to India's gestational surrogacy market highly outweighs the benefits.

Ethical Clearance: Not required, as the research article is based on surrogacy and the literature is discussed from the decided judicial decisions. The research is doctrinally undertaken.

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