



# CURRENT AFFAIRS



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Date - 27 June 2023

## ASSISTED REPRODUCTIVE TECHNOLOGY (ART) REGULATIONS 2023

*This article covers "Daily Current Affairs" and the topic details "Assisted Reproductive Technology Regulations 2023". The topic "Assisted Reproductive Technology Regulations 2023" has relevance in the Governance section of the UPSC CSE exam.*

### **Relevance:**

#### **For Prelims:**

*What is ART?*

#### **For Mains:**

*GS 2: Governance*

*Features of ART act 2021?*

*Significance of ART act 2021?*

*Concerns about ART act 2021?*

### **Why in the news?**

The Health Ministry notified the Assisted Reproductive Technology Regulations (ART), 2023, which are aimed at providing donors and patients with better medical care and security.

### **What is ART:**

ART stands for Assisted Reproductive Technology. It refers to a range of medical procedures and techniques that are used to assist individuals or couples in achieving pregnancy when they are facing fertility challenges or reproductive difficulties. ART involves the manipulation of sperm, eggs, or embryos outside the human body to facilitate conception and pregnancy.

Some common types of ART procedures include:

- **In-Vitro Fertilization (IVF):** This procedure involves the fertilization of eggs with sperm outside the body in a laboratory dish. The resulting embryos are then transferred to the woman's uterus for implantation and pregnancy.
- **Intracytoplasmic Sperm Injection (ICSI):** In this procedure, a single sperm is directly injected into an egg to facilitate fertilization. It is typically used in cases of male infertility or when conventional IVF has not been successful.
- **Gamete Intrafallopian Transfer (GIFT):** In GIFT, both the eggs and sperm are collected and transferred into the woman's fallopian tubes, where fertilization occurs naturally.
- **Zygote Intrafallopian Transfer (ZIFT):** ZIFT involves the transfer of fertilized embryos into the woman's fallopian tubes, similar to GIFT. However, in ZIFT, the embryos are already fertilized in the laboratory before transfer.

- **Surrogacy:** Surrogacy is a process in which a woman (surrogate) carries and delivers a child on behalf of another person or couple. The embryo used for surrogacy can be created through IVF using the intended parents' or donors' gametes.

### Features of ART act 2021?

- **Registration of ART Clinics and Banks:** The Act mandates the registration of all ART clinics and banks operating in India under the National Registry of Banks and Clinics of India. This registration ensures the centralization of data and information about these institutions.
- **National Registry:** The Act establishes a National Registry of Banks and Clinics of India, which serves as a central database containing details of registered ART clinics and banks. This registry facilitates effective monitoring and regulation of the sector.
- **Screening and Storage:** Registered ART banks are authorized to screen, collect, and store semen from men aged between 21 and 55 years. They can also store eggs from women aged between 23 and 35 years.
- **Donor Criteria:** Female donors are required to be married and have at least one child of their own, who is at least three years old. This criteria aims to ensure the availability of suitable donors and their understanding of the implications of their donation.
- **Parental Rights:** The Act legally recognizes a child born through an ART procedure as the biological child of the couple undergoing the procedure. The donor does not retain any parental rights over the child.
- **Informed Consent and Insurance:** Both the couple seeking the ART procedure and the donor are required to provide written informed consent. The couple is also obligated to provide insurance coverage for the female donor in the event of loss, damage, or death.
- **Regulation of ART Processes:** In addition to regulating ART services, the Act establishes National and State Boards to oversee and regulate both ART services and surrogacy. These boards have various functions, including policy advisory, monitoring, and formulating a code of conduct for ART clinics and banks.
- **Offences and Penalties:** The Act identifies several offences related to ART procedures, including abandonment or exploitation of children born through ART, sale or trade of embryos, exploitation of couples or donors, and transferring an embryo into a male or an animal. Committing such offences can result in imprisonment ranging from 8 to 12 years and fines.
- **Restrictions and Prohibitions:** The Act prohibits ART clinics and banks from advertising or offering sex-selective ART procedures. Engaging in such activities can lead to imprisonment ranging from 5 to 10 years and/or a fine of Rs 10 to 25 lakhs.

### Significance of ART act 2021?

- **Regulation and Safety:** The Act introduces comprehensive regulations to govern the practice of assisted reproductive technology. It sets standards and guidelines for ART clinics and banks, ensuring the safety, well-being, and rights of individuals undergoing ART procedures. The regulation helps prevent unethical practices, exploitation of donors, and potential risks associated with ART.
- **Protection of Interests:** The Act prioritizes the interests of individuals seeking ART services. By establishing clear guidelines, informed consent requirements, and provisions for insurance coverage, it safeguards the rights and well-being of both the couples undergoing the procedure and the donors involved.
- **Prevention of Congenital Abnormalities:** The Act addresses the prevention of congenital abnormalities by implementing regulations and oversight of ART procedures. It ensures that the techniques and processes used in ART adhere to established medical standards, minimizing the risks of genetic disorders and other complications in the offspring.

- **Elimination of Unregulated Practices:** Prior to the Act, the field of ART in India operated with limited regulations and oversight. The implementation of this law eliminates unregulated practices and untrained individuals in the field, enhancing the quality and reliability of ART services. It promotes professionalism, accountability, and ethical practices among ART clinics and banks.
- **Ethical Considerations:** The Act promotes ethical practices in the field of ART. It emphasizes the importance of informed consent, protection of parental rights, and the prohibition of sex-selective procedures. These ethical considerations ensure that ART procedures are conducted with respect for the dignity and autonomy of individuals involved.
- **Strengthening Healthcare Infrastructure:** The Act's provision for registration and central database of ART clinics and banks strengthens the healthcare infrastructure related to ART. It facilitates better monitoring, data collection, and evaluation of the ART sector, enabling policymakers and healthcare authorities to make informed decisions and implement necessary improvements.
- **International Alignment:** The Act aligns India with international standards and best practices in the field of assisted reproductive technology. This alignment promotes India's credibility and facilitates collaboration with international partners in research, knowledge sharing, and advancements in ART.

#### Concerns about ART act 2021?

- **Limited Availability of Donors:** The Act imposes strict criteria for donors, such as age and eligibility requirements. These restrictions may limit the pool of available donors, resulting in a potential shortage of donor eggs and sperm. Limited availability of donors can lead to longer waiting times and reduced options for couples seeking ART services.
- **Increased Costs:** The Act's provisions, such as insurance coverage for donors, can increase the overall cost of ART procedures. Couples may need to bear additional expenses for procedures like egg or sperm donation, including insurance coverage for donors. These increased costs can pose financial challenges for couples, particularly considering that multiple cycles of ART are often required for a higher chance of success.
- **Extended Treatment Duration:** ART procedures often require multiple cycles for a successful pregnancy. The Act's regulations, such as restrictions on the number of donation attempts or stringent requirements, may prolong the treatment duration. This can lead to additional costs, emotional stress, and anxiety for couples undergoing ART procedures.
- **Impact on Fertility Rates:** Fertility rates in India and globally are declining. The limitations on available donors under the Act may further exacerbate this issue. Restricted access to donor eggs or sperm can reduce the success rates of ART procedures and limit the options available to individuals or couples with fertility challenges. This can have implications for individuals seeking alternative paths to parenthood.
- **Accessibility and Equity:** There are concerns regarding the accessibility and equity of ART services under the Act. The strict regulations and potential increase in costs may make ART procedures less accessible to individuals from economically disadvantaged backgrounds. This can create disparities in access to reproductive healthcare services.

**Source:**

<https://www.thehindu.com/news/national/brought-in-to-protect-donors-and-prospective-parents-new-art-provisions-push-up-cost-and-challenges-in-assisted-conception/article67001330.ece>

**Q.1 Which of the following statements regarding Assisted Reproductive Technology (ART) is/are correct?**

1. In vitro fertilization (IVF) is a commonly used ART procedure where fertilization occurs outside the human body.
2. Gamete Intrafallopian Transfer (GIFT) involves transferring both eggs and sperm into the woman's fallopian tubes for fertilization.
3. Surrogacy is not considered a form of ART.
4. ART procedures do not require any medical interventions and rely solely on natural conception methods.

**Select the correct option(s):**

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1, 2, 3 and 4
- (d) 1, 2, and 3 only

**Answer: (a)**

**Q.2 Which of the following concerns are associated with the Assisted Reproductive Technology (ART) Act 2021?**

1. Limited availability of donors due to strict eligibility criteria.
2. Potential increase in the cost of ART procedures.
3. Prolonged treatment duration and emotional stress for couples.
4. Impact on fertility rates due to restricted access to donor eggs or sperm.
5. Lack of regulations on advertising and offering sex-selective ART procedures.

- (a) 1, 2, and 3 only
- (b) 2, 3, and 4 only
- (c) 1, 3, 4, and 5 only
- (d) 1, 2, 3, 4, and 5

**Answer: (d)**

**Q.3 Analyze the concerns surrounding the Assisted Reproductive Technology (ART) Act 2021 in India and discuss their implications on accessibility, affordability, and ethical considerations.**

**Rishabh**