
MINE BY BLOOD OR BELIEF

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As a woman, I understand how important it is to give birth to a child. I also acknowledge that every married couple, by and far, waits anxiously to cherish parenthood and hold their newly born. Not to mention, only a woman is bestowed with this gift. Having said that, this gift in life further provides a new meaning to the relationships and believes can strengthen families.

The sad part, however, is that, today, due to several medical reasons with either male or female, many couples fail to give birth. They initially try all possible treatments to have a biological child. For this, a woman undergoes different artificial methods to conceive like IUI & IVF and bear the pain and that too several times till it becomes impossible or starts negatively affecting her body. When all such efforts prove futile, couples start looking for alternate options to have a child.

There is no denying that this desperation of not having a child triggers such couples to try every option possible without thinking about its repercussions. Ranging from practicing voodoo and going to *tantrics* to visiting self-styled 'babaas' who guarantee a child birth via some medication, these couples try it all to satiate their hunger of parenthood.

Such couples even try and buy children by paying people in person or through an illegal agency. They are open to travelling anywhere and everywhere – across the length and width of the nation -- with their pockets full of money and ready to dole out any amount. It has been witnessed that Indian villages have become a softer target for such couples because of destitution that is plaguing the rural natives. The selected family is compensated for the task, which includes the clause that conceiving female will not disclose any detail to anyone.

Such cases have been repeatedly brought into the notice of masses by media. Despite a lot of awareness, such ill-practices prevail in our society and it is this desperation among couples of having a child that fuels them take absurd steps.

The Indian society — not to mention the Indian mindset — at times puts pressure on couples due to which they are instigated to take the aforementioned steps. The pressure of being called childless and several other names by extended family members is no exception. Societal and family pressures are such that men are often asked to remarry so that a child can be brought into the world through another woman. As the history has shown us, in such cases women face all sorts of burns related to complications of bearing a child and a man sees none.

To top it up, Indian society prefers a boy over a girl. By and large, a son is considered as an heir and name carrier of a family. For this reason, girls are still killed either inside the womb or after birth. There are incidents in our history to prove such facet of the scenario.

After several unsuccessful attempts on wife to conceive and give birth to a biological child with the help of medical advancement, a couple either moves towards adopting a child or surrogacy. **Adoption** is a method provided by law to establish legal relationship of parents and child between persons who are not related by birth, with the same mutual rights and obligations that exist between children and their natural parents (Damania, 1998).

The aim of adoption is to provide direct heirs to adopters and establish a permanent relationship for children deprived of natural parents. Adoption entails the establishment of a socially and legally-sanctioned relationship between parents and child who do not share any type of biological kinship. As a form of the structure of kinship, adoption is a unique institution in human society. It has been advocated by various professionals of child welfare as one of the best mechanism for securing and ensuring best possible future, affection and care for the child.

Adoption is a process of creating family through socio-legal means. The Idaho State Health and Family Welfare Department says, "Adoption provides a child with a life-long legal and emotional family relationship. It includes the legal transfer of all parental rights from the child's mother and father to another

person or couple. Adoptive parents have the same rights and responsibilities to their child as parents whose children were born to them.”

An analysis of the aforementioned definitions provided by dictionaries, websites of voluntary organisations and governmental and legal documents prove that:

- ❖ It creates a parent-child relationship between people who are not biologically related
- ❖ It may include some legal procedures
- ❖ It generally impacts a permanent change in the status
- ❖ It requires social, legal or religious sanctions
- ❖ Adoptive parents have the responsibilities of care and protection of the adopted child
- ❖ Adopted children have the same rights and responsibilities as of a biological child

Adoption is an issue of vital importance for all persons involved in the adoption triangle — the child, the adoptive parents, and the biological parents.

Ordinarily, couples resort to adoption via legal or illegal ways and even kinship adoption sometimes. The aim of a family is to have a child that they can call their own. It has been seen that families usually keep adoption their last option.

On the contrary, some reports today reflect that people are still motivated towards legal way of adoption. They shun traditional way of adopting a child from someone unknown or within a family. This is mainly because of their insecurities and inhibitions. Couples today prefer to switch to a safer option.

For this, Central Adoption Resource Authority (CARA) has played a vital role in motivating the society to go for a legal adoption through a registered legal adoption agency or them. CARA Guidelines on Adoption says, “adoption means the process through which the adopted child is permanently separated from his biological parents and becomes the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship.”

Presently it is a well-regulated online process that involves multiple stakeholders. It is considered as a very sensitive task with far bearing impact on a group of individuals called family. Because of its sensitive nature, it is being regulated by the government as well as non-governmental actors. Generally non-governmental actors play the role of facilitators. In India we call them adoption agencies. The facilities or services rendered by adoption agencies are of immense importance as they might decide the life of a child and a family.

Due to several reasons adoption is still not freely practiced. There is an important role to play by the government as well as the adoption agencies to overcome different challenges with respect to:

Pre-adoption issues	Post-adoption issues
✓ Adoption Information.	✓ Coping with parenthood & change of roles
✓ Coping with infertility and childlessness	✓ Parenting & disciplining.
✓ Apprehensions about : <ul style="list-style-type: none"> ▪ Selecting the child ▪ Child’s social & genetic background ▪ Bonding & attachment ▪ Secret adoption 	✓ Sharing the fact of adoption.
	✓ Child’s needs to search for roots

Agencies can overcome these issues by providing services at two levels -- pre-adoption preparation (which includes resources such as counseling, reading materials, information about the child’s psychosocial history, psychological testing, and interaction with other adoptive parents) and post-adoption (the includes meetings with the social worker or participation in adoption support groups, individual therapy, family therapy, and crisis intervention).

“Adoption has recently become socially acceptable. There is less secrecy surrounding the whole process. Adopting parents are proud of their children. Newspaper and magazines frequently carry articles stressing the acceptable and desirable qualities of children who need permanent homes; in them is reflected a more accepting attitude towards illegitimacy,” says Schapiro (1956).

“Motivation and reasons for today’s adoptions have undergone changes that correspond to the changing social conditions and changing ideas. In the past, the primary considerations in adoption were the interests of the adopting parents, Interest of the child were not in the picture, because these were taken care of within the close-knit family system of the past,” says Manual on Adoption (1989).

India also has a history of adoption, which finds its place in mythology, wherein children adopted by a couple outshined others of their era. Here, Krishna and Karna can be taken as the examples. However, the modern form of adoption has a very brief history in Indian scenario.

Baig and Gopinath (1981) write that adoption of children is not a new phenomenon in India. It dates to ancient days when children (especially boys) were adopted into families and given the recognition of natural children. The practice of adoption in ancient items was not strictly motivated by the natural desire to have a child as an object of affection or as an act of compassion, but rested on certain extensive considerations, of which the most important were old age protection; perpetuation of family name and continuance of family lineage; security of the family property and solemnization of last rites of the father.

While the people belonging to Hindu, Jain and Sikh religion can adopt children under the Hindu Adoption and Maintenance Act 1956 (HAMA), the Christians and the Muslims can now adopt through Juvenile Justice (care & protection) Act 2000.

These both acts give a legal status to the child in the family. According to the statistics available on CARA website, there has been a decrease in adoptions after it is streamlined online and the number of registered parents drastically increased.

Couples those are open for child adoption desire to adopt a child with zero health complications. They wish to adopt a healthy child or the one that has some similarity with either of the family members. News reports say that there are no children available for adoption and parents have to wait for for years. However, the actual scenario is that everyone has their own set of adoption criteria. The day everyone will be open to adopting any child, all the children shall be adopted and there will be no orphan or abandoned child in orphanages.

Moving to another budding alternative that is “Surrogacy”, which is a much-debated topic in the recent news as well. Surrogacy means an arrangement in which a woman agrees to get pregnant, achieved through assisted reproductive technology, in which neither of the gametes belong to her or her husband, with the intention to carry it and hand over the child to the person or persons for whom she would act as a surrogate. The oxford dictionary defines a surrogate as ‘a replacement’ or ‘a substitute’. This leads us to understand that surrogate mother is a substitute mother in the event of the woman’s incapability to bear a child.

Surrogacy was always considered an the easiest and safest option over adoption to have a child. The fact of the matter is that surrogacy helps to give a child of their own blood to a family. This is the reason that couples mostly prefer to go for surrogacy.

An interview with a couple in the queue of adopting a child through a legalised adoption agency highlighted that they wished to go for adoption only after inquiring every bit about surrogacy.

As informed: because of heavy expense attached to the surrogacy and uncertainty of getting a child compelled them to switch to adoption. This clearly reflects two situations – first, couples always prefer to go for surrogacy because through this they would be getting a child of their own blood and second, because of high costs, couples move towards adoption.

Surrogacy is a misunderstood concept, especially because of the misconceptions prevailing around this issue. In the past, the information on surrogacy was very limited. The situation has not improved much even now.

People have varied misconceptions about surrogacy mostly perpetuated because of a taboo. For example in the Bollywood, movies like ‘Doosri Dulhan’ directed by Lekh Tandon or ‘Chori Chori Chupke Chupke’ directed by Abbas Burmawalla, the story line portrays surrogacy through a hired womb.

Another example is the movie ‘Filhaal’ directed by Meghna Gulzar in which a friend volunteers to be a surrogate mother. Such portrayals lead people to think of surrogacy in a very narrow light of a man sleeping with another woman other than his own wife.

This makes it a social stigma as against socio-cultural mores of our society. Also, this targets woman’s infertility only and overshadows the issues related to male infertility. Hence, various writers have lucidly broken misconceptions on surrogacy and beautifully explained that surrogacy is much more beyond such misconceptions.

Surrogacy arrangements in the past were usually restricted to kith and kin of close relatives or friends, mostly as truly altruistic deed. But the rise of market-oriented and capitalist economy has turned it into a commercial activity where the surrogate arrangements have gone beyond family, community, state, country and even beyond the boundaries of one’s countries. Surrogacy is thus a budding commercial service in which a womb is rented in exchange of money.

This mostly happens with the help of a mediator or hospitals. There a lot of hospitals (IVF or infertility centers) running in our country. Some of those provide the facility of staying comfortably to the surrogates inside the institution with all the necessities available.

At the same time there is no denying that the old practice of surrogacy is still prevalent and practiced secretly in our society. India is a country of making everything possible in exchange of money.

There are instances of surrogacy being practiced secretly within the families in India which has no records as such and termed as 'Partial Surrogacy'. She normally conceives following insemination of the commissioning father's sperm or, more rarely, following sexual intercourse with him.

However, it has been claimed that occasionally the surrogate mother's own sexual partner may be the child's genetic father (DHSS, 1984), and that it is common in certain cultures for a couple to agree to bear a child for infertile married relatives (Wright, 1986). Families hire a womb discretely and pay heavily for the same. This makes many women, in need of money, agree to be a surrogate and give birth. But through this way, a surrogate mother becomes not only a birth mother but also a genetic mother.

It is a proven fact that the families that cannot have their own child due to any medical reason think or move towards surrogacy before they think of any other option other than medication. Studies have shown that many families from abroad and in India have taken children through surrogacy. Studies by various scholars have identified that due to the unavailability of a proper law in India, its problems and complexities increased, which sometimes also lead to the failure of it representation.

Therefore, there is an urgent need in India to have a proper regulating agency that can control the overall activities of the ART clinics or can give timely guidance over the surrogacy. Although in light of this budding trade, the government's only initiative to regulate this trade has been the ART Bill (2010), which was amended in 2016. The bill restricts commercial surrogacy and allows altruistic surrogacy. Before this, ICMR had issued guidelines for accreditation, supervision and regulation of assisted reproductive technology in 2005.

Conclusion

Due to different socio-cultural factors, it is believed that becoming parents is expected from every couple. In fact, some schools of thought believe that one of the important purposes behind marriage is to reproduce. This brings a lot amount of pressure on the couples who are not able to reproduce. In such a scenario, processes like adoption and surrogacy come to rescue of such couples. It generates hope for a certain category of population. Such processes, if done ethically, can be of great help.

As per the government statistics, India is a country that has a large number of orphan children — abandoned or relinquished every day. At the same time the percentage of infertility among couples is also increasing due to lifestyle changes.

Different agencies, which are proactively working for child welfare, are able to bring some of these children to the childcare institutions for their better future. These children are then given a family (married couple or single parent) either under in-country or inter-country adoption as per CARA guidelines.

Married couples of different age groups decide to go for either adoption or surrogacy after spending huge amount on the medicals and putting wives' health at risk. In adoption, a couple spends time and explore all the available adoption agencies. They also look for factors like expenses and time. However, surrogacy couples look for hospitals where they can easily find a surrogate and end up spending a fortune.

Although adoption has a long waiting period, however it is worth the wait. In adoption, people also save a lot of money. The surety of getting a healthy child is more or less same in adoption and surrogacy but the in adoption, couples cannot enjoy the company of a child from the very first day of his/her birth.

Even a fertile couple can go for adoption, which is not the case surrogacy. On the medical grounds, there is no necessity for the couple to be infertile to adopt a child. They can go for adoption despite being healthy as and when they wish to but to opt for the surrogacy the couple has to be totally infertile. They should have tried all other options and when they fail after regular attempts they are considered for surrogacy.

The biggest drawback surrogacy is an option for families from high socio-economic background. If they are rich, they can go ahead for surrogacy at any age. Whereas, in adoption the government has set age criteria to adopt a child of specific age.

Recently in the context of surrogacy, considering the above cases, a newspaper headline read: "It's what the rich and famous do". This clearly reflects that the industry is in practice till it is famous among the wealthy mob.

Whether adoption or surrogacy, it should be a choice of families. Adoption processes are becoming easier and faster for couples as the process was introduced to the society much before its counterpart. Whereas,

people are still getting to know about surrogacy and a very small part of the population has accepted it as an alternative.

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