Society & Social Justice · GS - II

The commercialisation of reproductive healthcare can create new forms of exploitation of vulnerable women. Evaluate the adequacy of India's legal and institutional safeguards in preventing such exploitation.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 26/11/2026	GS - II	Society & Social Justice

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Reproductive autonomy, informed consent, ART Act 2021, donor protection, bodily integrity, medical ethics, regulatory oversight, gender justice

Model Answer

Introduction

Assisted reproductive technology has expanded reproductive choices, but unregulated commercial practices can expose economically vulnerable women to coercion, unsafe procedures and exploitation. Protection must therefore combine medical regulation with reproductive rights.

Existing Legal and Institutional Safeguards

1. **ART (Regulation) Act, 2021:** Provides for registration and regulation of ART clinics and banks, prescribing standards for procedures, gamete handling and donor-related safeguards.

2. **Surrogacy (Regulation) Act, 2021:** Regulates surrogacy arrangements and seeks to prevent commercial exploitation of women.

3. **Constitutional protection:** Article 21 encompasses dignity, bodily autonomy and personal liberty, providing an important foundation for reproductive rights.

4. **Institutional oversight:** National and State ART and Surrogacy Boards, registration authorities and medical regulators provide mechanisms for supervision and accountability.

Persistent Governance Gaps

1. Illegal intermediaries and unregistered facilities can operate beyond routine regulatory scrutiny.

2. Economic vulnerability may undermine genuinely voluntary consent, particularly where women are offered financial incentives without adequate disclosure of medical risks.

3. Weak monitoring, inadequate grievance redressal and limited awareness can prevent victims from accessing justice.

4. Multiple regulatory institutions may face coordination and enforcement challenges.

Strengthening Protection

1. Conduct regular inspections and maintain transparent records of ART procedures and donor consent.

2. Ensure independent counselling, medical screening and clear disclosure of risks before procedures.

3. Establish accessible complaint mechanisms, victim support and strict action against illegal intermediaries.

Conclusion

Reproductive healthcare must remain grounded in dignity, informed consent and non-exploitation. Effective enforcement of existing laws, supported by accessible healthcare and institutional accountability, is essential to protect women's reproductive autonomy.

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