

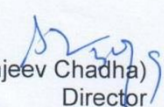
No. V.25011/444/2011-HR (Vol.II) (Part)
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

2nd Floor, IRCS Building,
Red Cross Road, New Delhi-110001.
Dated, the 30 September, 2015

Subject : The Assisted Reproductive Technology (Regulation) Bill.

This is to state, for information of all concerned, that enactment of a legislation, namely, "The Assisted Reproductive Technology (Regulation) Bill", has been under consideration in the Department of Health Research, Ministry of Health and Family Welfare, Government of India, for quite some time. The proposed legislation aims at proper regulation and supervision of Assisted Reproductive Technology (ART) clinics and banks in the country, and for prevention of misuse of this technology, including surrogacy, and for safe and ethical practice of ART services.

2. A copy of the draft Bill, titled "The Assisted Reproductive Technology (Regulation) Bill, 2014" is annexed for perusal of all concerned. Comments / suggestions, if any, on the provisions of the draft Bill are invited from the public in general and all stakeholders within a period of forty-five days. Comments / suggestions may be sent to the undersigned by post / fax / mail (mail ID : art-dhr@gov.in or rpmeenahealth@gmail.com) within this period.


(Sanjeev Chadha)
Director

Tel. No. 011-23736218
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Attachment : Draft of the said Bill.

To

General Public / Stake-holders

[Redacted area]

Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

* * *

	THE ASSISTED REPRODUCTIVE TECHNOLOGY (REGULATION) BILL, 2014	
	to establish the National Advisory Board, the State Advisory Boards and the National Registry for the accreditation, regulation and supervision of assisted reproductive technology clinics and the assisted reproductive technology banks, for prevention of misuse of assisted reproductive technology including surrogacy, for safe and ethical practice of assisted reproductive technology services and for matters connected therewith or incidental thereto.	
	BE it enacted by the Parliament in the Sixty-Eighth year of the Republic of India as follows:-	
	CHAPTER I PRELIMINARY	
	1. (1) This Act may be called the Assisted Reproductive Technology (Regulation) Act, 2014.	Short title, extent and commencement.
	(2) It extends to the whole of India.	
	(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.	
	2. In this Act, unless the context otherwise requires, –	Definitions.
	(a) “appointed day” means the date with effect from which the National Board is established under sub-section (1) of section 3;	
	(b) “artificial insemination” means the procedure of artificially transferring semen into the reproductive	

	system of a woman and includes insemination with the husband's semen or with the donor's semen;	
	(c) "assisted reproductive technology", with its grammatical variations and cognate expressions, means all techniques that attempt to obtain a pregnancy by handling or manipulating the sperm or the oocyte outside the human body and transferring the gamete or the embryo into the reproductive tract of a woman;	
	(d) "assisted reproductive technology bank" means an organisation that is set up to supply sperm or semen, oocytes or oocyte donors and surrogate mothers to the assisted reproductive technology clinics or their patients;	
	(e) "assisted reproductive technology clinic" means any premises, other than the clinics of AYUSH System of Medicine, equipped with the requisite facilities for carrying out the procedures related to the assisted reproductive technology;	
	(f) "biological parent" means the genetic parent;	
	(g) "child" means any individual born through the use of the assisted reproductive technology;	
	(h) "commissioning couple" means an infertile married couple, who approach an assisted reproductive technology clinic or assisted reproductive technology bank for obtaining service's that the assisted reproductive technology clinic or the assisted reproductive technology bank is authorised to provide;	
	(p) "couple" means a relationship between a male person and female person who live together in a shared household through a relationship in the nature of marriage which is legal in India;	
	(j) "cryo-preservation" means the freezing and storing of gametes, zygotes and embryos;	
	(k) "donor" means the donor of a gamete or gametes but does not include the husband who provides the sperm or the wife who provides the oocyte to be used in the process of assisted reproduction for their own use;	
	(l) "egg", means the female gamete namely the oocyte;	

	(m) “embryo”, means the fertilised ovum that has begun cellular division and continued development up to eight weeks;	
	(n) “fertilisation”, means the penetration of the ovum by the spermatozoon and fusion of genetic materials resulting in the development of a zygote;	
	(o) “foetal reduction”, means reduction in the number of foetuses in the case of multiple pregnancies;	
	(p) “foetus”, means the product of conception, starting from completion of embryonic development until birth or abortion;	
	(q) “Foreigners Regional Registration Officer/ Foreigners Registration Officer” means an officer having jurisdiction over the area for implementation of the Acts/Rules pertaining to foreigners where the assisted reproductive technology clinic is located;	
	(r) “Fund” means the assisted reproductive technology fund constituted under section 75;	
	(s) “gamete”, means sperm and oocyte namely the egg;	
	(t) “gamete donor”, means a person who provides sperm or oocyte with the objective of enabling an infertile couple to have a child;	
	(u) “implantation”, means the attachment and subsequent penetration by the zona-free blastocyst, which starts five to seven days following fertilisation;	
	(v) “infertility”, means the inability to conceive after at least one year of unprotected coitus or an anatomical or physiological condition that would prevent a couple from having a child;	
	(w) “Insurance” means an arrangement in which a company undertakes to provide guarantee of compensation to the family/ nominee/ beneficiary of surrogate mother/ oocytes donor in case of death and the compensation of medical expenses incurred in case of medical emergency to the surrogate and oocytes donor themselves and in case of any complications that have arisen during pregnancy which are likely to continue for the rest of life of surrogate and oocytes donor;	

	(x) “Legitimate” means in accordance or in compliance with the existing/ established law or accepted patterns and standards;	
	(y) “Medical Visa” means an official authorization/endorsement in a passport or similar documents issued by Indian High Commission or Indian Embassy permitting entry into and travel within India for treatment of infertility at an Assisted Reproductive Technology (ART) Clinic registered under National Registry of ART Clinics and Banks in India of the Indian Council of Medical Research;	
	(z) “Member” means a Member of a National Board or State Board, as the case may be, and includes its Chairperson;	
	(za) “National Board” means the National Advisory Board for assisted reproductive technology established under sub-section (1) of section 3;	
	(zb) “National Registry” of Assisted Reproductive Technology Clinics and Banks in India , means an Institution which shall be established under section 18 at Indian Council of Medical Research, New Delhi and shall act as central data base of all the Assisted Reproductive Technology Clinics and Banks in India and helping the State Boards and National Board in accreditation, supervision and regulation of the Assisted Reproductive Technology Clinics and Banks in country and help in policy making respectively;	
	(zc) “Non Resident Indian (NRI)” means an Indian citizen who is ordinarily residing outside India and holds an Indian Passport;	
	(zd) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly;	
	(ze) “Overseas Citizen of India (OCI)” means a person registered as Overseas Citizen of India (OCI) under section 7A of the Citizenship Act, 1955;	
	(zf) “oocyte” and “ovum”, means, the female gamete present in the ovary, and an ovulated oocyte in which the first polar body has been released;	

	(zg) “patients” means an infertile married couple who comes to any registered assisted reproductive technology clinic and is under treatment for infertility;	
	(zh) “People of Indian Origin (PIO)” means a person who or whose any of ancestors was an Indian national and who is presently holding another country’s citizenship/nationality i.e. he/she is holding foreign passport;	
	(zi) “People of Indian Origin (PIO) Card Holder” means a person registered as PIO Card Holder under MHA’s scheme vide Notification No.26011/4/98-F.I dated 19.08.2002;	
	(zj) “Pre-implantation Genetic Diagnosis” includes the technique in which an embryo formed through in-vitro fertilisation is tested for specific disorders prior to the transfer;	
	(zk) “prescribed” means prescribed by rules made under this Act;	
	(zl) “Record” means documents pertaining to infertile couple, gamete donor and surrogate mother’s medical history, diagnosis/screening, types and steps of treatments/ procedures and their complications, if any and final outcome, written consent’s, agreement’s, No Objection Certificate’s (NOCs), other related documents etc.	
	(zm) “Registration Authority” means the Registration Authority constituted under sub-section (1) of section 35;	
	(zn) “Regulations” means the regulations made under this Act;	
	(zo) “sperm” means the male gametes produced in the testicles and contained in semen;	
	(zp) “State Board” means the State Advisory Board for assisted reproductive technology established under sub-section (1) of section 22;	
	(zq) “surrogacy” means 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 to carry it and hand over the child to the commissioning couple for whom she is acting as a surrogate;	

	(zr) “surrogate mother” means a woman who is a citizen of India and is resident of India, who agrees to have an embryo generated from the sperm of a man who is not her husband and the oocyte of another woman, implanted in her to carry the pregnancy to viability and deliver the child to the commissioning couple that had asked for surrogacy;	
	(zs) “surrogacy agreement” means an agreement between the commissioning couple availing of assisted reproductive technology and the surrogate mother;	
	(zt) “zygote” means the fertilized oocyte prior to the first cell division.	
	CHAPTER II AUTHORITIES TO REGULATE ASSISTED REPRODUCTIVE TECHNOLOGY	
	3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a National Board to be called the National Board for Assisted Reproductive Technology.	Establishment of National Board.
	(2) The National Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable with prior approval of the Central Government , and to contract, and shall, by the said name, sue or be sued.	
	(3) The head office of the National Board shall be at Department of Health Research, Ministry of Health and Family Welfare, New Delhi or at such other place as the Central Government may, by notification, specify.	
	(4) The National Board may, by notification, establish its offices or branches in any other State in India or, with the previous sanction of the Central Government, outside India.	
	4. (1)The National Board shall consist of a Chairperson and such Members not exceeding twenty-three who shall be appointed by the Central Government on the recommendations of the Selection Committee constituted under section 5.	Composition of National Board.

	(2) The National Board shall consist of the following Members, namely:—	
	(a) a Chairperson to be appointed by the Central Government who shall be a person of eminence and standing in the field of assisted reproductive technology or Bio-medical sciences and who shall be equivalent to the rank of Secretary to the Government of India;	
	(b) representatives, not below the rank of Joint Secretary, one from the Department of Health Research, Ministry of Health and Family Welfare and another from Ministry of Overseas Indian Affairs - Member, ex officio;	
	(c) a nominee of an Indian professional society concerned primarily with assisted reproduction – Member;	
	(d) a nominee of an National Commission for Woman – Member;	
	(e) a nominee of National Commission for Protection of Child Rights – Member;	
	(f) a nominee of Medical Council of India – Member;	
	(g) other expert members, not exceeding fifteen, having special knowledge and experience in the field of assisted reproduction, gynaecology, embryology, andrology, bioethics, mammalian reproduction, medical genetics, social science, law or human rights, public health, biomedical sciences, representative from civil society working on women’s health and child right issues to be nominated by the Central Government – Members:	
	Provided that out of fifteen Members, —	
	(i) one each shall be a nominee of the Department of Health and Family Welfare and National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research; and	
	(ii) at least six of whom shall be women;	

	(g) The chairman and members of the National Board shall be deemed to be public servants as per the Section 21 of the Indian Penal Code.	
	(h) Director of the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research — Member Secretary.	
	5. (1) The Central Government shall constitute a Selection Committee consisting of, —	Selection Committee.
	(a) a person of eminence having qualification and experience of at least twenty-five years in Bio-medical profession and assisted reproductive technology as Chairperson;	
	(b) Five other experts of eminence from the discipline of Bio-medical and allied health science having qualification and experience of at least twenty years in the discipline, as members, to be appointed in such manner as may be prescribed.	
	(2) The Joint Secretary to the Government of India in the Department of Health Research, Union Ministry of Health and Family Welfare shall be the Convenor.	
	(3) The Selection Committee shall make its recommendations for appointment against each vacancies referred to it.	
	(4) Before recommending any person for appointment as a Chairperson or Member the Selection Committee shall satisfy itself that such person does not have any financial or other conflict of interest, which is likely to affect prejudicially his functions as Chairperson or Member, as the case may be.	
	(5) No appointment of the Chairperson or Member of the National Board shall be invalid merely by reason of any vacancy in the Selection Committee.	
Qualification for appointment of Chairperson and Members of National Board.	6. (1) The Chairperson shall be a person of eminence, integrity, administrative capability and outstanding ability with a post graduate degree in the discipline of bio-medical science and research from a university, and having not less than fifteen years experience in the profession, out of which at least ten years shall be in a leadership role, in the area of assisted reproductive technology.	

	(2) The Member except Member <i>ex-officio</i> shall be a person of eminence, integrity, administrative capability and outstanding ability with a post graduate degree in the discipline of bio-medical science and allied health science having not less than twelve years experience in the profession, out of which at least eight years shall be in a leadership role, in the area of assisted reproductive technology.	
	(3) If the chairperson and the member(s) appointed while serving in the Government, they shall be deemed to have retired from Government service upon taking their respective appointments in Regulatory Authority.	
Terms of office and other conditions of service of Chairperson and other Members.	7. (1) A person appointed as the Chairperson or a Member shall hold office as such for a term of three years from the date on which he enters upon his office and be eligible for re-appointment: Provided that a person shall not hold office as a Chairperson or Member after he has attained the age of seventy years.	
	(2) Notwithstanding anything contained in sub-section (1), the Chairperson and the Members shall hold office during the pleasure of the Central Government.	
	(3) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and the Members shall be such as may be prescribed:	
	Provided that no salary, allowances and other terms and conditions of service of the Chairperson or other Members shall be varied to their disadvantage after their appointment.	
Removal and suspension of Chairperson and other Members.	8. (1) The Central Government may by an order, remove from office the Chairperson or a Member who-	
	(a) is, or at any time has been, adjudged as insolvent; or (b) is of unsound mind and stands so declared by a competent court; (c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or	

	<p>(d) has acquired such financial or other interest as likely to affect prejudicially his functions; or</p> <p>(e) has so abused his position as to render his continuance in office detrimental to the public interest; or</p> <p>(f) has been removed or dismissed from the service of the Government or of a local authority or of a corporation with which he has been in employment; or</p> <p>(g) has been absent for more than three consecutive meetings without leave of the National Board.</p>	
	<p>(2) No Chairperson or any other Member shall be removed under clause (d) or clause (e) of sub-section (1) unless he has been given an opportunity of being heard in the matter.</p>	
Declaration of interest.	<p>9. The Chairperson and other Members, shall immediately after entering office and every year thereafter, make a declaration to the extent of their interest, whether direct or indirect and whether financial or otherwise, in any health or research centre relating to the assisted reproductive technology.</p>	
Restriction of re-employment.	<p>10. (1) The Chairperson and other Members, on ceasing to hold office shall not, for a period of two years, accept any employment (including as consultant or otherwise) in any health or research centre relating to the assisted reproductive technology whose matter has been dealt with by such Chairperson or Member, as the case may be, or has been before the National Board when he held office as such Chairperson or Member.</p>	
	<p>(2) Nothing in sub-section (1) shall prevent the Chairperson or a Member, as the case may be, to accept any employment in any health or research centre relating to the assisted reproductive technology controlled or maintained by the Central Government or the State Government.</p>	
General superintendence, direction and management of affairs of National Board.	<p>11. Subject to the other provisions of this Act, the general superintendence, direction and control of the administration shall vest in the Chairperson of the National Board.</p>	

Member to act as Chairperson or to discharge his functions, in certain circumstances.	12. (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, removal, suspension or resignation, the senior-most member shall act as the Chairperson till such time the Chairperson is appointed.	
	(2) When the Chairperson is unable to discharge his functions owing to absence on account of leave or otherwise, the senior-most member shall discharge the functions of the Chairperson till the Chairperson is able to discharge his functions.	
Resignation.	13. The Chairperson or a Member may, by notice given in writing under his hand of not less than a period of thirty days, addressed to the Central Government, resign from his office:	
	Provided that the Chairperson or the Member shall, unless permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of a period of thirty days from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is earlier.	
Meetings of National Board.	14. (1) The Board shall meet at least three times in a year and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations.	
	(2) Where the Chairperson is unable to attend a meeting of the Board for any reason, the senior-most member shall preside at the meeting.	
	(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes by the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.	
Vacancies, etc., not to invalidate proceedings of National Board.	15. No act or proceeding of the National Board shall be invalid merely by reason of—	

	(a) any vacancy in, or any defect in the constitution of, the National Board; or	
	(b) any defect in the appointment of a person as a Member of the National Board ; or	
	(c) any irregularity in the procedure of the National Board not affecting the merits of the case.	
Procedure of National Board.	16. (1) The National Board shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—	5 of 1908.
	(a) summoning and enforcing the attendance of any person and examining him on oath;	
	(b) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or a copy of such record or document, from any office and production of such documents;	1 of 1872.
	(c) receiving evidence on affidavits;	
	(d) issuing commissions for the examination of witnesses or documents;	
	(e) any other matter which may be prescribed;	
	(2) Every proceeding before the Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.	2 of 1974.
Functions of National Board.	17. (1) The National Board shall, subject to provisions of this Act, rules and regulations made there under, take measures to develop new policies in the area of Assisted Reproductive Technology and to assist the State Boards in accreditation and regulation of services of Assisted Reproductive Technology Clinics and Banks in the country.	
	(2) Without prejudice to the generality of the foregoing provisions, the measures referred to in sub-section (1) may provide for all or any of the following matters, namely: —	

	(a) the regulation in respect of the minimum requirements related to staff and physical infrastructure for the various categories of assisted reproductive technology clinics and assisted reproductive technology banks;	
	(b) the regulations in respect of permissible assisted reproductive technology procedures;	
	(c) the regulations in respect of selection of patients for assisted reproductive technology procedures;	
	(d) the regulation in respect of the encouragement and promotion of training and research in the field of assisted reproduction;	
	(e) (i) the regulation in respect of counselling and providing patients with all necessary information and advice on various aspects of assisted reproductive technology procedures; (ii) the regulation describing duties and responsibilities of the counsellor with special reference to potential surrogate mother and oocyte donor to explore the range of outcomes and possible long term effects and to evaluate her psychological risks and vulnerabilities as well as the possible effects of surrogacy and oocyte donation on their existing relationship and on any existing child/children.	
	(f) the regulation in respect of the ways and means of disseminating information related to infertility and assisted reproductive technologies to various sections of the society;	
	(g) the regulations in respect of research on human embryos;	
	(h) the regulation in respect of the proforma for obtaining information from donors of gametes and surrogate mothers, consent forms for various procedures, and contracts or agreements between the various parties involved, in all of the languages listed in the Eighth Schedule of the Constitution;	
	(i) settle the disputes between the State Boards;	
	(j) such other functions as may be prescribed.	

Establishment of National Registry.	18. With effect from such date as the Central Government may, by notification, establish for the purposes of this Act, a National Registry to be called the National Registry of Assisted Reproductive Technology Clinics and Banks in India at Indian Council of Medical Research, New Delhi	
Composition of National Registry.	19. The National Registry referred to in section 18 shall consist of a Director, Scientists at various levels, not less than eighteen, technical, administrative and supporting staff, not less than twenty, who shall be appointed by the Indian Council of Medical Research on the recommendations of the Selection Committee which shall consist of such number of members as may be determined by the Central Government.	
Terms of Office and other conditions of service of officers and employees of National Registry.	20. The terms of office and other conditions of services of Director, Scientists, Officers and employees of National Registry shall be such as may be prescribed by the Central Government.	
Functions of National Registry.	21. (1) The National Registry shall act as a Central data- base in the country and through which details of all the Assisted Reproductive Technology Clinics and Assisted Reproductive Technology Banks of the country including nature and types of services provided by them, outcome of the services and other relevant information shall be obtained on regular basis.	
	(2) The National Registry shall assist all the State Boards in the country in accreditation, supervision and regulation of the Assisted Reproductive Technology Clinics and Assisted Reproductive Technology Banks in their respective States.	
	(3) The National Registry shall assist the National Board in its functioning by providing the data generated from the Central database of the Registry.	
	(4) The National Registry shall develop an appropriate curriculum for training programmes in the area of clinical embryology, andrology, counselling and other related fields and shall run regular training programmes in these areas and other related fields.	
	(5) The data generated from the National Registry shall be utilised for making policies, guidelines and shall help in identifying new research areas and conducting research in the area of assisted reproduction and other related fields in the country.	

	(6) The National Registry shall have power to inspect any premises using Assisted Reproductive Technology without prior intimation.	
Establishment of State Board.	22. (1) Every State Government shall, within a period of one hundred and eighty days of the issue of the notification under sub-section (1) of section 3, by notification, establish a State Board for assisted reproductive technology to exercise the jurisdiction and powers and discharge the functions and duties conferred or imposed on the State Boards by or under this Act.	
	(2) The State Board shall consist of a Chairperson and such Members not exceeding sixteen who shall be appointed by the State Government on the recommendation of a selection committee constituted under sub-section (1) of section 23.	
	(3) The State Board shall consist of the following members, namely :—	
	(a) a Chairperson to be appointed by the State Government who shall be a person of eminence and standing in the field of assisted reproductive technology or Bio-medical Sciences and who shall be equivalent to the rank of Secretary to the State Government; Chairperson, <i>ex officio</i> ;	
	(b) one nominee shall be from the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research; and	
	(c) a nominee of an Indian professional society concerned primarily with assisted reproduction – Member;	
	(d) a nominee of an National Commission for Woman – Member;	
	(e) a nominee of National Commission for Protection of Child Rights – Member;	
	(f) other expert members not exceeding ten who shall be experts in the fields of assisted reproduction, gynaecology, embryology, andrology, bioethics, mammalian reproduction, medical genetics, social science, law or human rights, public health to be nominated by the State Government – Members:	

	Provided that out of ten Members, —	
	(i) one shall be a nominee of the Ministry of Health and Family Welfare of the State Government ; and	
	(ii) at least four of whom shall be women;	
	(g) The chairman and members of the State Boards shall be deemed to be public servants as per the Section 21 of the Indian Penal Code.	
	(h) an officer not below the rank of a Joint Secretary to the State Government and having knowledge and expertise in assisted reproductive technology shall be the Member-Secretary of the Board.	
	23. (1) The State Government shall constitute a Selection Committee consisting of, —	Selection Committee.
	(a) a person of eminence having qualification and experience of at least twenty years in bio-medical sciences and in assisted reproductive technology profession as Chairperson;	
	(b) five other experts of eminence from the discipline of bio-medical sciences and assisted reproductive technology and allied health sciences having qualification and experience of at least fifteen years in the discipline, as members, to be appointed in such manner as may be prescribed.	
	(2) An officer not below the rank of the Joint Secretary to the State Government of the Ministry of Health and Family Welfare shall be the Convenor.	
	(3) The Selection Committee shall make its recommendations for appointment against each vacancies referred to it.	
	(4) Before recommending any person for appointment as a Chairperson or Member, the Selection Committee shall satisfy itself that such person does not have any financial or other conflict of interest, which is likely to affect prejudicially his functions as Chairperson or Member, as the case may be.	
	(5) No appointment of the Chairperson or Member of the State Board shall be invalid merely by reason of any vacancy in the Selection Committee.	

	(6) Subject to the provisions of sub-sections (1) to (5), the Selection Committee may regulate its own procedure.	
Qualification for appointment of Chairperson and Members of the State Board.	24. (1) The Chairperson shall be a person of eminence, integrity, administrative capability and outstanding ability with a post graduate degree in the discipline of Bio-medical sciences and research from a university, and having not less than fifteen years experience in the profession, out of which at least ten years in the area of assisted reproductive technology;	
	(2) The Member shall be a person of eminence, integrity, administrative capability and outstanding ability with a post graduate degree in the discipline of Bio-medical sciences and allied health sciences research from a university, and having not less than twelve years experience in the profession, out of which at least eight years in the area of assisted reproductive technology.	
Terms of office and other conditions of service of Chairperson and other Members of State Board.	25. (1) A person appointed, or nominated, as the case maybe, as the Chairperson or a Member shall hold office as such for a term of three years from the date on which he enters upon his office and be eligible for re-appointment:	
	Provided that a person shall not hold office as a Chairperson or Member after he has attained the age of seventy years:	
	(2) Notwithstanding anything contained in sub-section (1), the Chairperson and the Members shall hold office during the pleasure of the State Government.	
	(3) The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and the Members shall be such as may be prescribed by the State Government:	
	Provided that no salary, allowances and other terms and conditions of service of the Chairperson or other Members shall be varied to their disadvantage after their appointment.	

Removal and suspension of Chairperson and other Members.	26. (1) The State Government may by order, remove from office the Chairperson or a Member who —	
	<p>(a) is, or at any time has been, adjudged as insolvent; or</p> <p>(b) is of unsound mind and stands so declared by a competent court;</p> <p>(c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or</p> <p>(d) has acquired such financial or other interest as likely to affect prejudicially his functions; or</p> <p>(e) has so abused his position as to render his continuance in office detrimental to the public interest; or</p> <p>(f) has been removed or dismissed from the service of the Government or of a local authority or of a corporation with which he has been in employment; or</p> <p>(g) has been absent for more than three consecutive meetings without leave of the State Board.</p>	
	(2) No Chairperson or any other Member shall be removed under clause (d) or clause (e) of sub-section (1) unless he has been given an opportunity of being heard in the matter.	
Declaration of interest.	27. The Chairperson and other Members, shall immediately after entering office and every year thereafter, make a declaration to the extent of their interest, whether direct or indirect and whether financial or otherwise, in any health or research centre relating to the assisted reproductive technology.	
Restriction of reemployment	28. (1) The Chairperson and other Members, on ceasing to hold office shall not, for a period of two years, accept any employment (including as consultant or otherwise) in any health or research centre relating to the assisted reproductive technology whose matter has been dealt with by such Chairperson or Member, as the case may be, or has been before the State Board when he held office as such Chairperson or Member.	

	(2) Nothing in sub-section (1) shall prevent the Chairperson or a Member, as the case may be, to accept any employment in any health or research centre relating to the assisted reproductive technology controlled or maintained by the Central Government or the State Government.	
General superintendence, direction and management of affairs of State Board.	29. Subject to the other provisions of this Act, the general superintendence, direction and control of the administration shall vest in the Chairperson of the State Board.	
Member to act as Chairperson or to discharge his functions, in certain circumstances.	30. (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, removal, suspension or resignation, the Vice-Chairperson shall act as the Chairperson till such time the Chairperson is appointed.	
	(2) Where the Chairperson is unable to attend a meeting of the Board for any reason, the senior-most member shall preside at the meeting.	
Resignation.	31. The Chairperson or a Member may, by notice given in writing under his hand of not less than a period of thirty days, addressed to the State Government, resign from his office:	
	Provided that the Chairperson or the Member shall, unless permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of a period of thirty days from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is earlier.	
Meetings of State Board.	32. (1) The Board shall meet at least three times in a year at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations made by the State Board.	
	(2) Where the Chairperson of the State Board is unable to attend any meeting of the State Board for any reason, the senior-most member shall preside at the meeting.	

	(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes by the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.	
Powers and functions of State Board.	33. (1) Subject to the provisions of this Act and the rules and regulations made there under, the State Board shall have the responsibility for laying down the policies and plans for assisted reproduction in the State.	
	(2) Without prejudice to the generality of the provisions contained in sub-section (1), the State Board, taking into account the recommendations, policies and regulations of the National Board, shall –	
	(a) advise the State Government to constitute a Registration Authority or Authorities as required, at least of six experts in assisted reproductive technology or a related field, for the use of assisted reproductive technology in the State;	
	(b) monitor the functioning of the Registration Authority subject to the guidelines laid down by the National Board;	
	(c) co-ordinate the enforcement and implementation of the policies and guidelines for assisted reproduction;	
	(d) constitute advisory committees consisting of experts in the field of assisted reproduction and related fields at the State or District level, to make recommendations on different aspects of assisted reproduction;	
	(e) perform such other functions as may be prescribed under this Act;	
	(3) Notwithstanding anything contained in section 34 of this Act, the State Board may, <i>suo moto</i> , whether on the basis of a complaint or otherwise, examines and review any decision of the Registration Authority.	
	(4) In the exercise of its functions under this Act, the State Board shall give such directions or pass such orders as are necessary, with reasons to be recorded in writing.	
Procedure of State Board.	34. (1) The State Board shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of	

	Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—	5 of 1908.
	(a) summoning and enforcing the attendance of any person and examining him on oath;	
	(b) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or a copy of such record or document, from any office and production of such documents;	1 of 1872.
	(c) receiving evidence on affidavits;	
	(d) issuing commissions for the examination of witnesses or documents;	
	(e) any other matter which may be prescribed.	
	(2) Every proceeding before the State Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.	2 of 1974.
Constitution of Registration Authority.	35. (1) Every State Government shall, in consultation with the State Board, by notification constitute a Registration Authority with in a period of three months from the date of consent given by the State Board.	
	(2) The Registration Authority shall consist of a full-time Chairperson not below the rank of a Joint Secretary to the State Government and six members who shall be recognised experts in assisted reproductive technology.	
	(3) The Chairperson and Members of the Registration Authority shall be appointed in such manner as may be prescribed by the State Government.	
	(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and the Members of the Registration Authority shall be such as may be prescribed by the State Government.	
	(5) Before appointing any person as Chairperson or Member, of the Registration Authority, the State Government shall satisfy itself that his integrity is such	

	that his professional interest shall not affect prejudicially his functions as a member.	
	(6) The Registration Authority shall be provided by the State Government with adequate supporting staff and secretarial assistance and suitable space and accommodation for the officials and staff of the Registration Authority.	
	CHAPTER III PROCEDURES FOR REGISTRATIONS AND COMPLAINTS	
Registration and accreditation of clinics and Banks.	36. No assisted reproductive technology clinic and assisted reproductive technology bank shall practice any aspect of assisted reproductive technology, or use any premises for such purposes, without registering as the assisted reproductive technology clinic or assisted reproductive technology bank with the Registration Authority constituted under sub-section (1) of section 35 and National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research:	
	Provided that any assisted reproductive technology clinic or assisted reproductive technology bank which is carrying out the work of assisted reproductive technology on or before the date of commencement of this Act, may continue to do so until the certificate of registration is granted or declined to it by the Registration Authority and a unique registration number to be given or declined by the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research under this Act:	
	Provided further that such assisted reproductive technology clinic and assisted reproductive technology bank shall, within a period of ninety days from the date of constitution of the Registration Authority under this Act, make an application under sub-section (1) of section 37 for registration as an assisted reproductive technology clinic or assisted reproductive technology bank under this Act:	
	Provided also that the Registration Authority shall, within a period of ninety days from the date of such application, either issue the certificate of registration or reject the application under section 38.	

	<i>Explanation.</i> —For the purposes of this section, the expression assisted reproductive technology clinic means any premises equipped with the requisite facilities for carrying out the procedures related to the assisted reproductive technology namely:—	
	(a) infertility treatment, including Intra-Uterine Insemination (IUI), artificial Insemination with Husband’s semen (AIH), and artificial Insemination using Donor Semen (AID), involving the use of donated or collected gametes; or	
	(b) infertility treatment involving the use and creation of embryos outside the human body; or	
	(c) Processing or storage of human embryos; or	
	(d) research in the area of the Assisted Reproductive Technology.	
Application for registration.	37. (1) All assisted reproductive technology clinics and the assisted reproductive technology banks shall make an application to the State Registration Authority for the registration of the assisted reproductive clinic or assisted reproductive bank within such period and in such form accompanied by such fee as may be prescribed.	
	(2) Every application under sub-section (1) shall be accompanied by the following, namely:— (a) registration certificate from the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research; (b) bio-data of all the faculty members of the clinic or bank including Director or in-charge of the clinic or bank ; (c) copies of the degrees and certificates of all the faculty members of the clinic or bank including Director or in-charge of the clinic or bank ; (d) such other information and documents as may be prescribed.	
	(3) Any assisted reproductive technology clinic or assisted reproductive technology bank by whatsoever name called, may apply to the Registration Authority for registration to operate the Assisted Reproductive	

	Technology clinic or assisted reproductive technology bank in accordance with the procedure and criteria laid down in this Act.	
	(4) Every application for registration by an assisted reproductive technology clinic or assisted reproductive technology bank under sub-section (1) shall contain the particulars of the applicant including all details of techniques and procedures of assisted reproductive technology practiced before enactment of this Act and to be practised after coming into force of this Act at such clinics or banks.	
	(5) Notwithstanding anything contained in this Act or any of the rules made there under, no assisted reproductive technology clinic and assisted reproductive technology bank performing any of the functions under sub-section (3) or any other advanced diagnostic, therapeutic shall practice any aspect of such diagnosis, therapy without a certificate of accreditation issued by the State Board and National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical research.	
Grant of registration.	38. (1) On receipt of the application under sub-section (2) of section 37, the Registration Authority shall within a period of ninety days ; (a) grant registration subject to the provisions of this Act and the rules and the regulations made there under; (b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act:	
	Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.	
	(2) The Registration Authority shall, within a period of one month of a registration being granted under this section, report such registration to the State Board.	
	(3) The State Board shall maintain a record of all registrations applied for and granted under this section.	
	(4) No registration shall be granted unless the Registration Authority, or such authorised person or persons acting	

	on its behalf, have inspected the premises and certified that the premises of the applicant is equipped with the requisite facilities for carrying out the procedures related to the assisted reproductive technology and is fit for the same.	
	(5) The registration granted under this section shall be valid for a period of three years from the date of registration granted by the Registration Authority.	
Extension of registration.	39. The registration granted under section 38 may be extended by the Registration Authority on an application made by the applicant, under such conditions as may be prescribed, in such form and on payment of such fee as may be specified by the regulations made by the Authority.	
Revocation of registration.	40. (1) The Registration Authority may, on receipt of a complaint in this behalf or on the recommendation of the State Board, revoke the registration granted under section 38, after being satisfied that –	
	(a) the applicant makes wilful default in doing anything required of him by or under this Act or the rules or the regulations made there under;	
	(b) the applicant violates any of the terms or conditions of the approval given by the Authority:	
	(c) the applicant is involved in any kind of unfair practice or irregularities.	
	<i>Explanation.</i> — For the purposes of this clause, the term “unfair practice means” a practice which, for the purpose of promoting the assisted reproductive technology, if adopts any unfair method or deceptive practice including any of the following practices, namely:-	
	(A) the practice of making any statement, whether orally or writing or by visible representation which,—	
	(i) falsely represents that the services are of a particular standard or grade;	
	(ii) represents that the holder of registration has approval or affiliation which such applicant does not have;	
	(iii) makes a false or misleading representation concerning the services;	

	(B) the holder of registration permits the publication of any advertisement relating to infertility or surrogacy whether in any newspaper or otherwise of services that are not intended to be offered.	
	(2) The registration granted to the applicant under section 38 shall not be revoked unless the Registration Authority has given to the applicant not less than thirty days notice in writing, stating the grounds on which it is proposed to revoke the registration, and has considered any cause shown by the holder of registration within the period of that notice against the proposed revocation.	
	(3) The Registration Authority may, instead of revoking the registration under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of patients, and any such terms and conditions so imposed shall be binding upon the holder of registration.	
	(4) Upon the revocation of the registration, the Authority,-	
	(a) shall debar the holder of registration from operating the assisted reproductive technology clinic or assisted reproductive technology bank and displaying his name in the list of defaulters on its website and also inform the other State Boards in other States, Union Territories and National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research about such cancellation;	
	(b) to protect the interest of patients or in the public interests, issue such directions as it may deem necessary.	
	(5) Notwithstanding anything contained in sub-sections (1), (2), (3) and sub-section (4), if the Registration Authority is of the opinion that it is necessary or expedient so to do in the public interest, it may, for reasons to be recorded in writing, suspend the registration of any assisted reproductive technology clinic without issuing any such notice referred to in sub-section (2).	
Information to State Board.	41. (a) The Registration Authority shall be deemed to have granted renewal for three years to the applicant if the	

	<p>applicant does not receive a definitive communication from the Registration Authority regarding the renewal application within a period of sixty days of the receipt of the renewal application in the office of the Registration Authority.</p> <p>(b) Assisted Reproductive Technology Clinic and Bank shall submit the renewal application six months before the expiry of the registration and registration authority shall issue the renewal/rejection letter after evaluation/verification of all the documents submitted and after conducting site visit by the competent experts/officials at the respective clinic and bank.</p>	
	<p>42. The Registration Authority and National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research shall have the power to inspect, with or without prior notice on a working day during working hours, any premises relating to assisted reproductive technology or call for any document or material in the discharge of its powers and functions.</p>	<p>Registration Authority and National Registry to inspect premises.</p>
	<p>43. The provisions of sections 39, 40, 41 and 42, as relevant, shall apply also to assisted reproductive technology banks.</p>	<p>Applicability to assisted reproductive technology banks.</p>
	<p>44. (1) Any person aggrieved by the decision of the Registration Authority made under this Act may, within such period and in such manner and form as may be prescribed by the State Government, prefer an appeal to the State Board.</p>	<p>Appeal to State Board.</p>
	<p>(2) On receipt of an appeal under sub-section (1), the State Board may, after giving the appellant opportunity to be heard, and after making such further inquiry as it thinks fit, confirm, modify or set aside the decision of the Registration Authority, within three months of the receipt of the appeal.</p>	
	<p>45. (1) Any person aggrieved by the decision of the State Board made under this Act may, within such period and in such manner and form as may be prescribed, prefer an appeal to the National Board.</p>	<p>Appeal to National Board.</p>

	(2) On receipt of an appeal under sub-section (1), the National Board may, after giving the appellant opportunity to be heard, and after making such further inquiry as it thinks fit, confirm, modify or set aside the decision of the state Board, within three months of the receipt of the appeal.	
	CHAPTER IV DUTIES OF AN ASSISTED REPRODUCTIVE TECHNOLOGY CLINIC AND ASSISTED REPRODUCTIVE TECHNOLOGY BANK	
	46. (1) The assisted reproductive technology clinics and assisted reproductive technology banks shall ensure that patients, donors of gametes and surrogates are eligible to avail of assisted reproductive technology procedures under the criteria specified by the rules under this Act and that they have been medically tested for such diseases, sexually transmitted or otherwise, including HIV/AIDS as may be specified and all other communicable diseases which may endanger the health of the commissioning couple, or any one of them, surrogate or child.	General duties of assisted reproductive technology clinics and banks.
	(2) It shall be the responsibility of an assisted reproductive technology clinic to obtain, from assisted reproductive technology bank, all relevant information, other than the name, personal identity and address, of possible gamete donors, and assist the commissioning couple desirous of the donation, to choose the donor.	
	(3) When an assisted reproductive technology bank receives a request from an assisted reproductive technology clinic for a donor oocyte, a responsible member of the staff of the assisted reproductive technology bank shall accompany the particular donor to the assisted reproductive technology clinic, and obtain a written agreement from the authority designated for this purpose by the clinic, that the clinic shall under no circumstances reveal the identity of the donor to the recipient couple or to anyone else and ensure that all its staff is made aware of the fact that any step leading to disclosure of the identity of the oocyte donor (i.e., the name and address) to the recipient couple or to anyone else, shall amount to an offence punishable under this Act, except in case of a medical emergency or in pursuance of an order issued by a competent court.	

	(4) Either of the parties seeking assisted reproductive technology treatment or procedures shall be entitled to specific information in respect of donor of gametes including height, weight, ethnicity, skin colour, educational qualifications, medical history of the donor, including HIV/AIDS:	
	Provided that the parties shall not be entitled to specific information in respect of the individual identity, name and address of the donor.	
	(5) The assisted reproductive technology clinics shall obtain donor gametes from assisted reproductive technology banks that have ensured that the donor has been medically tested for such diseases, sexually transmitted or otherwise, including HIV/AIDS as may be prescribed and all other communicable diseases which may endanger the health of the commissioning couple, or any one of them, surrogate or child.	
	(6) The assisted reproductive technology clinics shall provide professional counselling to commissioning couple about all the implications and chances of success of assisted reproductive technology procedures in the clinic in India and internationally, and shall also inform commissioning couple of the advantages, disadvantages and cost of the procedures, their medical side effects, risks including the risk of multiple pregnancy, the possibility of adoption, and any such other matter as may help the commissioning couple arrive at a informed decision that would be most likely to be the best for the commissioning couple.	
	(7) The assisted reproductive technology clinics shall make commissioning couple, as the case may be, aware of the rights of a child born through the use of assisted reproductive technology.	
	(8) The assisted reproductive technology clinics shall explain to commissioning couple, as the case may be, the choice or choices of treatment available to them and the reason or reasons for recommending a particular treatment, and shall clearly explain the advantages, disadvantages, limitations and cost of any recommended or explained treatment or procedure.	
	(9) The assisted reproductive technology clinics and Assisted Reproductive Technology Banks shall	

	<p>ensure that information about clients, donors and surrogate is kept confidential and that information about assisted reproductive technology treatment shall not be disclosed to anyone other than a central database to be maintained by the National Registry for Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research except in a medical emergency at the request of the person or persons or the closest available relative of such person or persons to whom the information relates, or by an order of a court of competent jurisdiction.</p>	
	<p>(10) No assisted reproductive technology clinic shall consider conception by surrogacy for patients for whom it shall normally be possible to carry a baby to term:</p>	
	<p>Provided that where it is determined that such conception may be unsafe or may lead to undesirable medical implications, the use of surrogacy may be permitted.</p>	
	<p>(11) The assisted reproductive technology clinics shall provide to commissioning couple, as the case may be, a pre-stamped self-addressed envelope to inform the clinic of the results of the assisted reproductive technology procedure performed for the commissioning couple.</p>	
	<p>(12) No assisted reproductive technology clinic shall obtain or use sperm or oocyte donated by a relative or known friend of either of the parties seeking assisted reproductive technology treatment or procedures.</p>	
	<p>(13) (a) Every assisted reproductive technology clinic and Assisted Reproductive Technology Banks shall establish a mechanism to look into complaints in such manner as may be prescribed under Rules.</p> <p>(b) An appropriate provision shall be made for the complaints relating to ART treatment or procedures against the ART Clinic and Bank under the Rules. Simultaneously a provision shall also be made, to review and for speedy disposal of these complaints pending against such clinics and banks, under the Rules.</p>	

	(c) National Board and State Board shall periodically review the complainants pending in such clinics and banks and issue directions for speedy disposal.	
	(14) (a) No assisted reproductive technology procedure shall be performed on a woman below the age of twenty three years and above the age of fifty years and the concern Gynaecologist shall furnish certificate indicating that the woman is medically fit to opt for the ART services. (b) No assisted reproductive technology procedure shall be performed on a man below the age of twenty three years and above the age of fifty five years.	
	(15) All assisted reproductive technology clinics shall issue to the infertile commissioning couple a discharge certificate stating details of the assisted reproductive technology procedure performed on the commissioning couple and its outcome.	
	(16) Only the assisted reproductive technology banks registered under this Act shall be authorised to advertise for, procuring or providing semen, oocyte donor or surrogate.	
	(17) The possible side effects and complications arising out of assisted reproductive technology procedures in infertile couple, gamete donor and surrogate mother shall be described under the Rules.	
	(18) Except the Assisted Reproductive Technology Clinic and Assisted Reproductive Technology Bank registered under the Assisted Reproductive Technology Bill, or any person authorized to deal with Assisted Reproductive Technology under the Assisted Reproductive Technology Bill, or with prior permission of Central Government, no person (the term "person" as defined under Income Tax Act), whether resident or foreigner provides any service or advice direct or indirect relating to Assisted Reproductive Technology and Surrogacy for commercial purpose or for any profit or gain.	
	47. (1) No assisted reproductive technology clinic shall perform any treatment or procedure of assisted reproductive technology without the consent in writing of all the parties seeking assisted reproductive	Duties of assisted reproductive technology clinics and banks to

	technology to all possible stages of such treatment or procedures including the freezing of human embryos.	obtain written consent.
	(2) No assisted reproductive technology clinics and assisted reproductive technology banks shall freeze any human embryos and/or gametes without specific instructions and consent in writing from all the parties seeking assisted reproductive technology in respect of what should be done with the gametes or embryos in case of death or incapacity of any of the parties.	
	(3) No assisted reproductive technology clinic shall use any human reproductive material to create a human embryo or use an <i>in vitro</i> human embryo for any purpose without the specific consent in writing of all the parties to whom the assisted reproductive technology relates.	
	(4) The consent of any of the parties obtained under this section may be withdrawn at any time before the human embryos or the gametes are transferred to the concerned woman's uterus.	
	(5) All consent forms and agreements signed by all the parties seeking ART services including surrogacy shall be in local language also so that all the parties including surrogate mother and the gamete donor can understand the contents of the consent forms and agreements.	
	48. (1) All assisted reproductive technology clinics and assisted reproductive technology banks shall maintain detailed records, in such manner as may be prescribed, of all donor oocytes, sperm or embryos used, the manner and technique of their use, and the commissioning couple or surrogate, in respect of whom it was used.	Duties of assisted reproductive technology clinics and banks to keep accurate records.
	(2) All assisted reproductive technology clinics shall, as and when the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research is established, put on line all information available to them in regard to progress of the patient, such as biochemical and clinical pregnancy, within a period of seven days of the information becoming available, withholding the identity of the patient.	
	(3) The records maintained under sub-section (1) shall be maintained for at least a period of ten years, upon the expiry of which the assisted reproductive technology	

	<p>clinic and assisted reproductive technology bank shall transfer the records to a central database of the National Registry of Assisted Reproductive Technology Clinics and Banks in India to be set up under the Indian Council of Medical Research, New Delhi.</p>	
	<p>(4) In the event of the closure of any assisted reproductive technology clinic and assisted reproductive technology bank before the expiry of the period of ten years under sub-section (2), the assisted reproductive technology clinic and assisted reproductive technology bank shall immediately transfer the records to a central database of the National Registry of Assisted Reproductive Technology Clinics and Banks in India to be set up under Indian Council of Medical Research, New Delhi.</p>	
	<p>49. (1) The assisted reproductive technology clinics shall harvest oocytes in accordance with such regulations of the National Board or the concerned State Board or, as the case may be.</p>	<p>Duties of assisted reproductive technology clinics using human gametes and embryos.</p>
	<p>(2) The number of oocytes or embryos that may be placed in a woman during any one treatment cycle shall be such as may be specified by the regulations made by the National Board or the concerned State Board, as the case may be.</p>	
	<p>(3) No woman should be treated with gametes or embryos derived from the gametes of more than one man or woman during any one treatment cycle.</p>	
	<p>(4) An assisted reproductive technology clinic shall never mix semen from two individuals before use.</p>	
	<p>(5) Where a multiple pregnancy occurs as a result of assisted reproductive technology, the concerned assisted reproductive technology clinic shall inform the patient immediately of the multiple pregnancy and its medical implications and may carry out foetal reduction after appropriate counselling.</p>	
	<p>(6) The collection of gametes from a person whose death is imminent shall only be permissible if such person's spouse intends to avail assisted reproductive technology to have a child.</p>	

	(7) No assisted reproductive technology clinic shall use ova that are derived from a foetus, in any process of in vitro fertilisation.	
	(8) No assisted reproductive technology clinic shall utilise any semen, whether from an assisted reproductive technology bank or otherwise, for any aspect of assisted reproductive technology unless such semen is medically analysed in such manner as may be prescribed.	
	50. (1) The Pre-implantation Genetic Diagnosis shall be used only to screen the human embryo for known, pre-existing, heritable or genetic diseases or for such other purposes as may be determined by the Registration Authority.	Pre-implantation Genetic Diagnosis
	(2) The destruction or donation, with the approval of the patient, to an approved research laboratory for research purposes, of an embryo after Pre-implantation Genetic Diagnosis, shall be done only when the embryo suffers from pre-existing, heritable, life-threatening or genetic diseases.	
	(3) The National Board and the State Boards may lay down such other conditions as it deems fit in the interests of the Pre-implantation Genetic Diagnosis.	
	51. (1) No assisted reproductive technology clinic shall offer to provide a couple with a child of a pre-determined sex.	Sex selection
	(2) It is prohibited for anyone to do any act, at any stage, to determine the sex of the child to be born through the process of assisted reproductive technology.	
	(3) No person shall knowingly provide, prescribe or administer anything that would ensure or increase the probability that an embryo shall be of a particular sex, or that would identify the sex of an in vitro embryo, except to diagnose, prevent or treat a sex-linked disorder or disease.	
	(4) No assisted reproductive technology clinic shall carry out any assisted reproductive technology procedure to separate, or yield fractions enriched in sperm of X or Y variations.	
	(5) The collection of blood samples from pregnant woman and subjecting the blood sample for sex selection in	

	any form both within the country and outside the country shall be prohibited.	
	CHAPTER V SOURCING, STORAGE, HANDLING AND RECORD KEEPING FOR GAMETES, EMBRYOS, AND SURROGATES	
	52. (1) The screening of gamete donors and surrogates; the collection, screening and storage of semen; and provision of oocyte donor and surrogates, shall be done by an assisted reproductive technology bank registered as an independent entity under the provisions of this Act.	Sourcing of gametes
	(2) An assisted reproductive technology bank shall operate independently of any assisted reproductive technology clinic.	
	(3) The assisted reproductive technology banks shall obtain semen from males between twenty one years of age and forty five years of age, both inclusive, and arrange to obtain oocytes from females between twenty three years of age and thirty five years of age, both inclusive, and examine the donors for such diseases, sexually transmitted or otherwise, including HIV/AIDS as may be prescribed, and all other communicable diseases and conditions such as cardiovascular disease, thyroid problem etc. which may endanger the health of the commissioning couple, or any one of them, surrogate or child.	
	(4) (a) All assisted reproductive technology banks shall have standard, scientifically established facilities and defined standard operating procedures for all its scientific and technical activities as per the provision described under the Rules for assisted reproductive technology banks. (b) Detailed guidelines shall be developed under the Rules describing different categories of assisted reproductive technology banks, minimum infrastructure facilities, trained manpower, procedures undertaken at assisted reproductive technology banks etc.	
	(5) All assisted reproductive technology banks shall cryo-preserve semen sample for a quarantine period of at least six months before being used and, till the expiry of such period, the assisted reproductive technology	

	bank shall not supply the sperm to any assisted reproductive technology clinic unless the sperm donor is tested for such diseases, sexually transmitted or otherwise, including HIV/AIDS as may be prescribed.	
	(6) An assisted reproductive technology bank may advertise for gamete donors and surrogates, who may be compensated financially by the bank.	
	(7) An assisted reproductive technology bank shall not supply the sperm of a single donor for use more than twenty five times.	
	(8) (a) Oocyte donor shall be an ever married woman having at least one live child of her own with minimum age of three years and shall be allowed to donate oocytes only once in her life and not more than seven oocytes shall be retrieved from the oocyte donor. (b) The written consent of oocyte donor's spouse shall be required before she may act as oocyte donor.	
	(9) The eggs from one donor can be shared between two recipients only, provided that at least seven oocytes are available for each recipient.	
	(10) All unused oocytes shall be preserved by the assisted reproductive technology clinic for use on the same recipient, or given for research to an organisations registered under this Act.	
	(11) One sample of semen supplied by an assisted reproductive technology bank shall be used by the assisted reproductive technology clinic only once on only one recipient.	
	(12) An assisted reproductive technology bank shall obtain all necessary information in respect of a sperm or oocyte donor or a surrogate, including the name, identity and address of such donor or surrogate, in such manner as may be prescribed, and shall undertake in writing from the donor to keep such information confidential.	
	(13) An assisted reproductive technology bank may, for such appropriate fee as may be prescribed, store any semen obtained from a donor for the exclusive use of his wife.	

	(14) In the event that the man intending to act as sperm donor is married, the consent of his spouse shall be required before he may act as sperm donor.	
	(15) Aadhar Card shall be used as a proof of identity of gamete donor (semen donor and oocyte donor).	
	(16) (a) In case of death or disability of the oocyte donor, it shall be presumed to have been caused by the negligence of the assisted reproductive technology clinic unless proven otherwise. (b) In case where negligence in different degree is proven then appropriate provision shall be made under the Rules for a system of graded penalties/compensation depending on the degree of negligence.	
	53. (1) The highest possible standards should be followed in the storage and handling of gametes and human embryos in respect of their security, and with regard to their recording and identification.	Storage and handling of human gametes and embryos.
	(2) No donor gamete shall be stored for a period of more than five years.	
	(3) A human embryo may, for such appropriate fee as may be prescribed, be stored for a maximum period of five years and at the end of such period such embryo shall be allowed to perish or donated to an research organisation registered under this Act for research purposes with the consent of the patients and if during the period of five years, one of the commissioning partners dies; the surviving partner can use the embryo for herself or for her partner, provided an appropriate consent was taken earlier:	
	Provided that where the persons to whom such embryo relates fails to pay the fee, or both the commissioning couple die, the assisted reproductive technology clinic or assisted reproductive technology bank may, subject to such regulations as may be specified, destroy the embryo or transfer the embryo to any research organisation registered under this Act.	
	54. (1) All records, charts, forms, reports, consent letters and all other documents required to be maintained under this Act and the rules made under shall be preserved for a period of ten years and after which the records shall be transferred to the National Registry of	Records to be maintained by assisted reproductive technology bank.

	Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research:	
	Provided that, if any criminal or other proceedings are instituted against any Assisted Reproductive Technology Clinics or Assisted Reproductive Technology Banks, the records and all other documents of such Assisted Reproductive Technology Clinics and Assisted Reproductive Technology Banks shall be preserved till the final disposal of such proceedings.	
	(2) Where an assisted reproductive technology bank closes before the expiry of the period of ten years, the records shall be immediately transferred to the National Registry of Assisted Reproductive Technology Clinic and Banks in India of the Indian Council of Medical Research.	
	(3) All such records shall, at all reasonable times, be made available for inspection to the concerned State Board or National Board or National Registry to any other person authorised by the concerned State Board or National Board in this behalf.	
	55. (1) The sale, transfer or use of gametes, zygotes and embryos, or any part thereof or information related thereto, directly or indirectly to any party outside India is prohibited except in the case of transfer of own gametes and embryos for personal use with the permission of the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research.	Restriction on sale of human gametes, zygotes and embryos.
	(2) The sale of gametes, except for use by an assisted reproductive technology clinic for treating infertility, and the sale of zygotes and embryos, or of any information related to gametes, zygotes or embryos, within India is prohibited.	
	CHAPTER VI REGULATION OF RESEARCH ON HUMAN EMBRYOS	
	56. (1) The sale of any human gametes and embryos or their transfer to any country outside India, for research is absolutely prohibited.	Permission of Department of Health Research for research.

	(2) The import or export of frozen human gametes and embryos shall be considered as transfer of biological material for therapeutic use and shall be permitted as per the rules made in this behalf for exchange of human biological material and with the permission of the National Registry of the Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research.	
	(3) The research shall be conducted on such gametes and embryos that have been donated for such purpose in India only.	
	(4) No research shall be conducted using embryos except with the permission of the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research.	
	(5) Any person or organisation, by whatsoever name called, may apply to the Department of Health Research for registration as a research institution permitted to conduct research on embryos.	
	(6) While granting permission on an application for registration made under sub-section (5), the Department of Health Research may prescribe, and the applicant shall be bound by such terms and conditions as it thinks fit.	
	(7) The Department of Health Research may, if it has reasonable grounds to believe that any of the terms and conditions under sub-section (6) have not been fulfilled, the Department may, –	
	(a) call for the production of such documents or the furnishing of such evidence as may be required;	
	(b) inspect, or order any officer authorised in this behalf to inspect, any premises related to the grant of registration;	
	(c) suspend the registration of the research institution, after giving all concerned parties adequate opportunity to be heard;	
	(d) make such guidelines as it think fit to provide for research on human embryos.	
	57. Subject to the provision of section 56, the Department of Health Research shall, on advice from National Board and	Regulation of research.

	National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research ensure that –	
	(a) no research shall be conducted on any human embryo created <i>in vitro</i> unless such research is necessary in public interest to acquire further scientific knowledge;	
	(b) no research is conducted on any human embryo, other than embryos given for storage to an assisted reproductive technology bank under sub-section (3) of section 53, unless full and informed consent in writing is obtained from the persons from whom such embryo was created;	
	(c) no advertisement is issued, and no purchase, sale or transfer is made, of any human embryo created <i>in vitro</i> or any part thereof, except in accordance with the provisions of this Act;	
	(d) no human embryo <i>created in vitro</i> is maintained for a period exceeding fourteen days or such other period as recommended by the National Board;	
	(e) no work is done leading to human reproductive cloning;	
	(f) such other terms and conditions that may be provided by the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research.	
	CHAPTER VII RIGHTS AND DUTIES OF PATIENTS, DONORS, SURROGATES AND CHILDREN	
	58. (1) Subject to the provisions of this Act and the rules and regulations made there under, the option of assisted reproductive technology, except option of surrogacy shall be available to all married infertile couple.	Rights and duties of patients.
	(2) In case the assisted reproductive technology is used by a couple, there must be written consent from both the parties.	
	(3) The parents of a minor child have the right to access information about the donor, other than the name,	

	identity or address of the donor, or the surrogate to the extent necessary for the welfare of the child.	
	(4) All information about the patients shall be kept confidential and information about Assisted Reproductive Technology procedures done on them shall not be disclosed to anyone other than the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research, except with the consent of the person or persons to whom the information relates, in case of a medical emergency or by an order of a competent court of jurisdiction.	
	59. (1) Subject to the provisions of this Act, all information about the donors shall be kept confidential and information about gamete donation shall not be disclosed to anyone other than the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research except with the consent of the person or persons to whom the information relates, in case of a medical emergency or by an order of a court of competent jurisdiction.	Rights and duties of donors.
	(2) Subject to the provisions of this Act, the donor shall have the right to decide what information may be passed on and to whom, except in the case of an order of a court of competent jurisdiction.	
	(3) A donor shall relinquish all parental rights over the child or children which may be conceived from his or her gamete.	
	(4) No assisted reproductive technology procedure shall be conducted on or in relation to any gamete of a donor under this Act unless such donor has obtained the consent in writing of his or her spouse, if there, to such procedure.	
	(5) The identity of the recipient shall not be made known to the donor.	
	(6) Appropriate formula and mechanism needs to be developed under Rules for payment of compensation to the gamete donor and to transfer the funds to the bank account of the gamete donor.	

	<p>60. (1) The couple commissioning surrogacy through the use of assisted reproductive technology, and the surrogate, shall enter into a surrogacy agreement which shall be binding on the parties.</p>	<p>Rights and duties in relation to surrogacy.</p>
	<p>(2) (a) All expenses, including those related to insurance if available, of the surrogate related to a pregnancy achieved in furtherance of assisted reproductive technology shall, during the period of pregnancy and after delivery as per medical advice, and till the child is ready to be delivered as per medical advice, to the commissioning couple, shall be borne by the couple commissioning surrogacy.</p> <p>(b) If there are any complications that have arisen during pregnancy (i.e. Gestational Diabetes, Chronic Hypertension etc.) which are likely to continue for the rest of her life then it shall be covered appropriately under insurance.</p>	
	<p>(3) (a) Notwithstanding anything contained in sub-section (2) and subject to the surrogacy agreement, the surrogate may also receive monetary compensation from the commissioning couple, as the case may be, for agreeing to act as surrogate.</p> <p>(b) Appropriate formula and mechanism shall be developed under Rules for payment of compensation to the surrogate mother and to transfer the funds to the bank account of the surrogate mother at different stages starting from signing of the agreement till the child/children is/are handed over to the commissioning parents.</p>	
	<p>(4) A surrogate shall relinquish all parental rights over the child or children.</p>	
	<p>(5) Surrogate mother shall be an ever married Indian woman with minimum twenty three years of age and maximum thirty five years of age and shall have at least one live child of her own with minimum age of three years:</p>	
	<p>(a) provided that no woman shall act as a surrogate for more than one successful live birth in her life and with not less than two years interval between two deliveries.</p>	

	(b) provided that surrogate mother shall be subjected to maximum three cycles of medications while she is acting as surrogate mother.	
	(6) Any woman seeking or agreeing to act as a surrogate shall be medically tested for such diseases, sexually transmitted or otherwise, including HIV/AIDS as may be prescribed, and all other communicable diseases and conditions such as cardio-vascular disease, thyroid problem etc. which may endanger the health of the child or children, and must declare in writing that she has not received a blood transfusion or a blood product in the last six months.	
	(7) The commissioning couple may obtain the service of a surrogate through an assisted reproductive technology bank, which may advertise to seek surrogacy.	
	Provided that no such advertisement shall contain any details relating to the caste, ethnic identity or descent of any of the parties involved in such surrogacy and no assisted reproductive technology clinic shall advertise to seek surrogacy for its clients.	
	(8) A surrogate shall, in respect of all medical treatments or procedures in relation to the concerned child or children, register at the hospital or such medical facility in her own name, clearly declare herself to be a surrogate and provide the name or names and addresses of the commissioning couple, as the case may be, for whom she is acting as a surrogate, along with a copy of the agreement referred to in sub-section (1) and the copy of the certificate referred to in sub-section (20).	
	(9) If the first embryo transfer has failed in a surrogate, she may, if she wishes, decide to accept on mutually agreed financial terms, at most two more successful embryo transfers for the same couple that had engaged her services in the first instance and no surrogate shall undergo embryo transfer more than three times for the same couple.	
	(10) The birth certificate issued in respect of a baby born through surrogacy shall bear the name of couple who commissioned the surrogacy, as parents.	
	(11) (a) Surrogacy for foreigners in India shall not be allowed but surrogacy shall be permissible to Overseas Citizen of India (OCIs), People of Indian Origin (PIOs), Non Resident Indians (NRIs) and foreigner married to an Indian citizen.	

	<p>(b) The commissioning couple including Overseas Citizen of India, People of Indian Origin, Non Resident Indians and foreigner married to an Indian citizen who have availed of the services of a surrogate shall be legally bound to accept the custody of the child or children irrespective of any abnormality that the child or children may have.</p> <p>(c) If abnormalities are detected in the child/children during the gestation period, then the commissioning parent shall ensure that the defected/disabled child/children are appropriately insured and compensation to be used for the development and growth of the child/children by the next in the family, in case of accidental death of the commissioning parents during delivery or in the process of delivery of the surrogate child.</p>	
	(12) A foreigner married to an Indian citizen shall have to come on a 'Medical Visa for surrogacy (MED-S) when they come to India for commissioning surrogacy;	
	(13) An Overseas Citizen of India (OCIs), People of Indian Origin (PIOs) and foreigner married to an Indian citizen shall produce a duly notarized agreement between the applicant couple and the prospective Indian surrogate mother;	
	(14) An Overseas Citizen of India (OCIs), People of Indian Origin (PIOs) and foreigner married to an Indian citizen shall produce an undertaking that they would take care of the child/children born through surrogacy;	
	(15) An Overseas Citizen of India (OCIs), People of Indian Origin (PIOs) and foreigner married to an Indian citizen shall require an 'exit' permission from the FRRO/FRO concerned for the child or children born through surrogacy before leaving India;	
	(16) Subject to the provisions of this Act, all information about the surrogate shall be kept confidential and information about the surrogacy shall not be disclosed to anyone other than the National Registry of Assisted Reproductive Technology Clinics and Banks in India of the Indian Council of Medical Research except by an order of a court of competent jurisdiction.	

	<p>(17) (a) A surrogate shall not act as an oocyte donor for the couple, as the case may be, commissioning surrogacy.</p> <p>(b) Commissioning couple shall submit a certificate indicating that the child/children born in India through surrogacy is/are genetically linked to them and they will not involve the child/children in any kind of pornography or paedophilia.</p>	
	<p>(18) No assisted reproductive technology clinic and assisted reproductive technology bank shall provide information on or about surrogate or potential surrogate to any person.</p>	
	<p>(19) (a) The written consent of surrogate mother's spouse shall be required before she may act as surrogate.</p> <p>(b) The spouse of the surrogate mother shall certify in his written consent that he will take care of the well being of the existing child/children of their own specially during the surrogacy agreement period and till his wife who is acting as a surrogate mother is free from the obligation of agreement.</p>	
	<p>(20) A surrogate shall be given a certificate by the commissioning couple who shall avail of her services, stating unambiguously that she is/has acting/acted as a surrogate for them.</p>	
	<p>(21) (a) An Overseas Citizen of India (OCIs), People of Indian Origin (PIOs) and foreigner married to an Indian citizen, commissioning surrogacy in India shall —</p> <p>(i) be married and the marriage should have sustained at least for two years;</p> <p>(ii) submit a certificate conveying that the woman is unable to conceive their own child and the certificate shall be attested by the appropriate government authority of that country.</p> <p>(iii) appoint a local guardian who shall be legally responsible for taking care of the surrogate during and after the pregnancy, till the child or children are delivered to the commissioning couple or the local guardian;</p> <p>(iv) insure the child or children born through the surrogacy, at the time of signing the</p>	

	<p>agreement, till the age of twenty-one years or till the time of custody of the child or children is taken through appropriate Insurance Policy like Jeevan Balya, whichever is earlier, for wellbeing and maintenance of the child or children;</p> <p>(v) use at least one gamete of their own in creation of the embryos;</p>	
	<p>(b) The party commissioning the surrogacy must ensure and establish to the assisted reproductive technology clinic through proper documentation (a letter from either the embassy of the Country in India or from the appropriate Government Authority, stating that the child or children born through surrogacy in India, shall be permitted entry in the Country as a biological child or children of the commissioning couple and that the party shall be able to take the child or children born through surrogacy, including where the embryo was a consequence of donation of an oocyte or sperm, outside of India to the country of the party's origin or residence, as the case may be;</p>	
	<p>(c) (i) If Overseas Citizen of India or Citizen of Indian Origin or foreigner married to an Indian commissioning surrogacy fails to take delivery of the child or children born to the surrogate commissioned by the Overseas Citizen of India or Citizen of Indian Origin or foreigner married to an Indian, the local guardian shall be legally obliged to take delivery of the child or children and be free to hand the child or children over to an adoption agency, if the commissioned party or their legal representative fails to claim the child within one month of the birth of the child or children:</p>	
	<p>(a) Provided that during the transition period, the local guardian shall be responsible for the well-being of the child or children;</p>	
	<p>(b) Appropriate guidelines shall be developed under Rules describing the duties, responsibilities and other related issues of the local guardian.</p>	

	(c) If Overseas Citizen of India or Citizen of Indian Origin or foreigner married to an Indian who commissioned surrogacy in India fails to take the custody of the child or children born then as per the insurance coverage signed at the time of agreement, the well being and maintenance of the child or children till the age of twenty-one years shall be taken care of by the Insurance Agency.	
	(d) Appropriate penalty provision shall be made for the Overseas Citizen of India, Citizen of Indian Origin, Non Resident Indians or foreigner married to an Indian and Indian Commissioning Couple who commissioned surrogacy in India and failed to take the custody without any genuine reason.	
	(e) The treatment should be done only at one of the registered assisted reproductive technology clinic recognized by the National Registry of ART Clinics and Banks of India of Indian Council of Medical Research.	
	(f) The Overseas Citizen of India/People of Indian Origin Cardholder and foreigner married to an Indian citizen shall obtain the requisite prior permission from the Foreigners Regional Registration Officer/ Foreigners Registration Officer concerned for commissioning surrogacy.	
	(g) The Overseas Citizen of India/People of Indian Origin Cardholder and foreigner married to an Indian citizen shall carry a certificate from the assisted reproductive technology clinic concerned regarding the fact that the child/children have been duly taken custody of by the Overseas Citizen of India/People of Indian Origin Cardholder and foreigner married to an Indian citizen and the liabilities towards the Indian surrogate mother have been fully discharged as per the Agreement.	
	(h) A copy of the Birth Certificate(s) of the surrogate child/children will be retained	

	<p>by the Foreigners Regional Registration Officer/ Foreigners Registration Officer along with photocopies of the passport and Overseas Citizen of India/People of Indian Origin card of the Overseas Citizen of India/People of Indian Origin Cardholder and foreigner married to an Indian citizen.</p>	
	<p>(ii) If the child or children are being given adoption to an adoption agency, the child or children shall be allowed to claim the provisions of the Indian Citizenship Act, 1955 in respect of matters relating to Indian citizenship.</p>	
	<p>(22) The ART Clinics/Banks who fails to follow the above provision shall be sealed immediately and appropriate legal action shall be taken as per the provision of the Bill.</p>	
	<p>(23) A commissioning couple shall not have the service of more than one surrogate at any given time.</p>	
	<p>(24) A couple shall not have simultaneous transfer of embryos in the woman and in a surrogate.</p>	
	<p>(25) Only Indian citizens shall have a right to act as a surrogate, and no assisted reproductive technology bank or assisted reproductive technology clinic shall receive or send an Indian woman for surrogacy abroad.</p>	
	<p>(26) Any woman agreeing to act as a surrogate shall be duty-bound not to engage in any act, including unprotected sex that may harm the foetus during pregnancy and the child after birth, until the time the child or children is handed over to the designated commissioning couple.</p> <p>The acts that may harm the foetus are as follows:</p> <ol style="list-style-type: none"> a) Surrogate mother shall not have drug intravenously administered into her through a shared syringe. b) Surrogate mother shall not undergo blood transfusion without medical supervision and guidance. c) Surrogate mother should not accept blood from any source except from certified blood bank. 	

	d) Surrogate mother and her husband shall not have extramarital relationship during the gestation period.	
	(27) The commissioning couples shall ensure that the surrogate and the child or children she deliver are appropriately insured until the time the child or children is handed over to the commissioning parent(s) or any other person as per the agreement and till the surrogate is free of all health complications arising out of surrogacy.	
	(28) The assisted reproductive technology bank shall act as a legal representative and mental health counsellor of the surrogate mother and on behalf of her, the assisted reproductive technology bank shall fight any legal case, if arises, during the course of surrogacy agreement free of cost.	
	(29) In case of death of surrogate mother after the conception is established and till she is declared free from all diseases and disorders resulting because of pregnancy, an appropriate compensation should be given to the family of surrogate in addition to the amount fixed at the time of agreement for her services as surrogate.	
	(30) Under the circumstances when the life of the surrogate mother is in danger at the time of delivery then the life of surrogate mother shall be protected over that of the unborn child and surrogate mother shall get the complete payment as agreed under the agreement under such type of condition.	
	(31) The minimum compensation to be paid to a surrogate mother by an Overseas Citizen of India, People of Indian Origin Cardholder, Non Resident Indians and foreigner married to an Indian citizen shall be different than the amount to be paid by an Indian commissioning couple.	
	(32) Aadhar Card shall be used as a proof of identity of a surrogate mother.	
	(33) (a) All assisted reproductive technology (ART) clinics shall report to National Registry of ART Clinics and Banks of India of Indian Council of Medical Research to give a detailed periodic report of surrogate mother on whom the procedures have been tried and possible outcome and complications, if any.	

	<p>(b) All relevant records in respect of the Agreement between the Surrogate Mother, the Commissioning parents and the ART Clinics shall be sent to the birth registration authority at the time of registering birth of a child.</p>	
	<p>(34) (a) In case of death or disability of the surrogate mother, it shall be presumed to have been caused by the negligence of the assisted reproductive technology clinic unless proven otherwise.</p> <p>(b) In case where negligence in different degree is proven then appropriate provision shall be made under the Rules for a system of graded penalties/compensation depending on the degree of negligence.</p>	
	<p>61. (1) A child or children born to a married couple through the use of assisted reproductive technology shall be presumed to be the legitimate child of the couple, having been born in wedlock and with the consent of both spouses, and shall have identical legal rights as a legitimate child or children born through sexual intercourse.</p>	<p>Determination of status of child.</p>
	<p>(2) A child or children born to an ever married woman through the use of assisted reproductive technology shall be the legitimate child or children of the woman.</p>	
	<p>(3) In case of married couple separates or gets divorced, as the case may be, after both parties consented to the assisted reproductive technology treatment but before the child or children are born, the child or children shall be the legitimate child or children of the couple.</p>	
	<p>(4) A child or children born to an ever married woman artificially inseminated with the stored sperm of her dead husband shall be considered as the legitimate child or children of the couple.</p>	
	<p>(5) If a donated ovum contains ooplasm from another donor ovum, both the donors shall be medically tested for such diseases, sexually transmitted or otherwise, including HIV/AIDS as may be prescribed, and all other communicable diseases which may endanger the health of the child or children, and the donor of both the ooplasm and the ovum shall relinquish all parental rights in relation to such child or children.</p>	

	(6) The birth certificate of a child or children born through the use of assisted reproductive technology shall contain the names of the commissioning couple, as the case may be, who sought such use.	
	(7) If Overseas Citizen of India, People of Indian Origin and a foreigner married to an Indian citizen seeks sperm or egg donation, or surrogacy in India, and a child or children are born as a consequence, the child or children, even though born in India, shall not be an Indian citizen but shall be entitled to Overseas Citizenship of India under Section 7A of the Citizenship Act, 1955.	
	(8) In case of donation of egg or sperm, it may so happen that the egg/sperm is of an Indian donor, and the corresponding sperm or egg is that of a foreigner, who is married to a person who is, or whose children are entitled to the Overseas Citizenship of India (OCI). In such a case, though the OCI is not the biological parent of the child, but shall be the legal parent of the child. Therefore, if he, or his legal child or children, are entitled to OCI as per the Section 7A of the Citizenship Act, 1955, then that right must not be compromised or abridged in any manner. This would also apply to cases of NRIs who are married to foreigners.	
	62. (1) A child or children may, upon reaching the age of eighteen, ask for any information, excluding personal identification, relating to the donor or surrogate.	Right of child or children to information about donors or surrogates.
	(2) The legal guardian of a minor child or children may apply for any information, excluding personal identification, about his or her genetic parents or surrogate when required, and to the extent necessary, for the welfare of the child.	
	(3) The personal identification of the donor or surrogate may be released only in cases of life threatening medical conditions which require physical testing or samples of the donor or parents or surrogate: Provided that such personal identification shall not be released without the prior informed consent of the donor or parents or surrogate.	
	CHAPTER VIII	
	OFFENCES AND PENALTIES	

	63. (1) No assisted reproductive technology clinic, or assisted reproductive technology bank or agent thereof, shall issue, publish, distribute, communicate or caused to be issued, published, or distributed or communicated any advertisement in any manner including internet, regarding facilities of pre-natal determination of sex.	Prohibition of advertisement relating to pre-natal determination of sex and punishment for contravention.
	(2) Any person who contravenes the provisions of subsection (1) shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to rupees ten lakhs or with both.	
	<i>Explanation.</i> —For the purposes of this section, “advertisement” includes any notice, circular, label wrapper or any other document including advertisement through internet or any other media in electronic or print form and also includes any visible representation made by means of any hoarding, wall-painting, signal, light, sound, smoke or gas.’.	
	64. (1) Any medical geneticist, gynaecologist, registered medical practitioner or any person who owns or operates any assisted reproductive technology clinic or assisted reproductive technology bank is employed in such a assisted reproductive technology clinic or assisted reproductive technology bank and renders his professional or technical services to or at such assisted reproductive technology clinic or assisted reproductive technology bank, whether on an honorary basis or otherwise, and who contravenes any of the provisions of this Act or rules made there under shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to rupees ten lakhs or with both and on any subsequent contravention, with imprisonment for a term which may extend to seven years or with fine which may extend to rupees fifteen lakhs or with both.	Offences and penalties.
	(2) The name of the registered medical practitioner shall be reported by the State Board to the State Medical Council concerned or Medical Council of India for taking necessary action including suspension of the registration and closure of the clinic.	
	(3) If the practitioner has been convicted by the court, his name shall be removed from the Register of the concerned Medical Council by the State Board for a	

	period of five years for the first offence and permanently for the subsequent offence.	
	(4) In case of closure of the assisted reproductive technology clinic, the patients undergoing treatment at the clinic shall be referred by the State Board to the another nearest assisted reproductive clinic registered under this Act on similar terms and conditions.	
	65. Any person who seeks the aid of any assisted reproductive technology or of a medical geneticist, gynaecologist or registered medical practitioner for conducting pre-natal diagnostic techniques on any pregnant woman for purposes other than those specified in sub-section (2) of section 4 of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, he shall, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to rupees ten lakhs or with both and on any subsequent offence with imprisonment for a term which may extend to seven years or with fine which may extend to rupees fifteen lakhs or with both.	Punishment for conducting pre-natal diagnostic techniques. 57 of 1994.
Punishment for transfer of human embryo.	66. The transfer of a human embryo into a male person or into an animal that is not of the human species shall be an offence under this Act and shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to rupees ten lakhs or with both.	
Punishment for sale of human embryo.	67. The sale of any human embryo for research is absolutely prohibited and shall be an offence under this Act punishable with imprisonment for a term which may extend to five years or with fine which may extend to rupees ten lakhs or with both.	
Punishment for use of brokers or paid intermediators	68. The use of individual brokers or paid intermediaries to obtain gamete donors or surrogates shall be an offence under this Act, punishable with imprisonment for a term which may extend to three years or fine which may extend to rupees five lakh or with both.	
	69. Whoever contravenes any of the provisions of this Act or any rules made there under, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to rupees ten lakhs or with both and in the case of continuing contravention with an additional fine which may extend to rupees fifty thousand	Punishment for contravention of provisions of Act or rules for which no specific

	every day during which such contravention continues after conviction for the first such contravention.	punishment is provided.
	70. (1) Where an offence under this Act has been committed by a company, supplying equipments, drugs and reagents used in the process, every person who at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:	Offences by companies.
	Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.	
	(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. <i>Explanation.</i> —For the purposes of this section,-	
	(a) “company” means anybody corporate and includes a firm or other association of individuals; and	
	(b) “director”, in relation to a firm, means a partner in the firm.	
	71. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the National Board or the State Board or by an officer authorised by it;	Cognizance of offences.
	(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.	
	72. All the offences under this Act shall be cognizable offence.	

	CHAPTER IX	
	FINANCE, ACCOUNTS, AUDITS AND REPORTS	
	73. The Central Government may, after due appropriation made by Parliament in this behalf, make to the National Board grants and loans of such sums of money as that Government may consider necessary.	Grants and loans by Central Government.
	74. The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the State Board, grants of such sums of money as the State Government may think fit for being utilized for the purposes of this Act.	Grants by State Government.
	75. (1) The Government shall constitute a fund to be called the 'assisted reproductive technology Fund' and there shall be credited thereto all the Government grants received by the National Board and National Registry or the State Board.	Constitution of Fund.
	(2) The Fund shall be applied for meeting- (a) the salaries and allowances payable to the Chairperson and other Members and the administrative expenses including the salaries, allowances payable to the officers and other employees of the National Board and National Registry or the State Board and the Registration Authority; (b) the other expenses of the Authorities in connection with the discharge of its functions and for the purposes of this Act.	
	(3) The Fund shall be administered by a committee of such Members of the National Board and the State Board as may be determined by the Chairperson.	
	(4) The committee appointed under sub-section (3) shall spend money out of the Fund for carrying out the objects for which the Fund has been constituted.	
	76. All sums realized by way of registration fee and penalties under this Act shall be credited to the Consolidated Fund of India or the Consolidated Fund of the State as the case may be.	Crediting sums realized by way of penalties to Consolidated Fund of India.

	77. (1) The National Board, National Registry and the State Board shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government in consultation with the Comptroller and Auditor General of India.	Budget, Accounts and Audit.
	(2) The accounts of the National Board and State Board shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor General of India.	
	(3) The Comptroller and Auditor General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of Government accounts and, in particular shall have the right to demand production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.	
	(4) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Government by the National Board and the State Board and the Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament or, as the case may be, before the State Legislature, where it consists of two Houses, or where such legislature consists of one House, before that House.	
	78. (1) The National Board, National Registry and the State Board shall prepare annual report once in every year, in such form and at such time as may be prescribed by the Government,— (a) description of all the activities of the National Board and the State Board for the previous year; (b) the annual accounts for the previous year; and (c) the programmes of work for the coming year.	Annual report and future proposed plan

	(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament or, as the case may be, before the State Legislature or the Union Territory Legislature, where it consists of two Houses, or where such legislature consists of one House, before that House.	
	CHAPTER X MISCELLANEOUS	
Power of Central Government to issue directions to National Board and National Registry.	79. (1) Without prejudice to the foregoing provisions of this Act, the National Board and National Registry shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:	
	Provided that the National Board and National Registry shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.	
	(2) If any dispute arises between the Central Government and the National Board or National Registry as to whether a question is or is not a question of policy, the decision of the Central Government shall be final.	
Power of State Government to issue directions to State Board.	80. (1) Without prejudice to the foregoing provisions of this Act, the State Board shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:	
	Provided that the State Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.	
	(2) If any dispute arises between the State Government and the State Board as to whether a question is or is not a question of policy, the decision of the State Government shall be final.	
	81. (1) If the State Board has reason to believe that an offence under this Act has been or is being committed at any facility using assisted reproductive technology, such Board or any officer authorised in this behalf may, subject to such rules as may be prescribed, enter and	Power to search and seize records etc.

	<p>search at all reasonable times with such assistance, if any, as such Board or officer considers necessary, such facility using assisted reproductive technology and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize the same if the State Board or officer has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.</p>	
	<p>(2) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act.</p>	2 of 1974.
	<p>82. No suit, prosecution or other legal proceeding shall lie against the Central Government or the State Government or the National Board or State Board or Registration Authority or National Registry or any other officer authorised by the Central Government or the State Government or the National Board or State Board or Registration Authority or National Registry for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act .</p>	Protection of action taken in good faith.
Power of Central Government to supersede National Board .	<p>83. (1) If, at any time the Central Government is of the opinion that—</p>	
	<p>(a) on account of circumstances beyond the control of the National Board, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or</p>	
	<p>(b) the National Board has persistently defaulted in complying with any direction given by the Central Government under this Act; or</p>	
	<p>(c) the National Board has failed in the discharge of any of the functions or performance of the duties imposed on it by or under the provisions of this Act; or</p>	
	<p>(d) circumstances exist which render it necessary in the public interest so to do,</p> <p>the Central Government may, by notification, for reasons to be recorded, supersede the National Board or dissolve the Board for such</p>	

	period, not exceeding six months, as may be specified, in such notification:	
	Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the National Board to make representations against the proposed supersession and shall consider representations, if, any, of the National Board.	
	(2) Upon the publication of a notification under sub-section (1) dissolving the National Board,—	
	(a) the Chairperson, the Members shall, from the date of supersession, vacate their offices as such;	
	(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the National Board shall, until the Board is reconstituted under sub-section (3), be exercised and discharged by the Central Government or such agency or persons as the Central Government may specify in this behalf;	
	(c) all properties owned or controlled by the National Board shall, until the Board is reconstituted under sub-section (3), vest in the Central Government.	
	(3) On or before the expiry of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Board by a fresh appointment or nominations, as the case may be, of the Chairperson, and Members in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.	
	(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament.	
	84. (1) If, at any time, the State Government is of the opinion,—	Power of State Government to supersede State Board.
	(a) that, on account of circumstances beyond the control of the State Board, it is unable to	

	discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or	
	(b) that the State Board, has persistently defaulted in complying with any direction given by the State Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the State Board, or the administration of the State Board, has suffered; or	
	(c) that circumstances exist which render it necessary in the public interest so to do, the State Government may, by notification, supersede the State Board, for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the Chairperson to exercise powers and discharge functions under this Act:	
	Provided that before issuing any such notification, the State Government shall give a reasonable opportunity to the State Board, to make representations against the proposed supersession and shall consider the representations, if any, of the State Board.	
	(2) Upon the publication of a notification under sub-section (1) superseding the State Board,—	
	(a) the Chairperson and other members shall, as from the date of supersession, vacate their offices as such;	
	(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the State Board shall, until the State Board is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and	
	(c) all properties owned or controlled by the State Board shall, until the State Board is	

	reconstituted under sub-section (3), vest in the State Government.	
	(3) On or before the expiry of the period of supersession specified in the notification issued under sub-section (1), the State Government shall reconstitute the State Board, by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.	
	(4) The State Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before State Legislature at the earliest.	
	85. (1) The Central Government may make rules for carrying out the provisions of this Act.	Power of Central Government to make rules.
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –	
	(a) the manner of appointing the Members of National Board under sub-section (1) of section 4;	
	(b) the manner of appointment of the Selection Committee under sub-section (1) of section 5.	
	(c) the salary and allowances payable to and other terms and conditions of service of Chairperson and Members of the National Board in sub-section (3) of section 7.	
	(d) any other matter in respect of which the National Board may exercise the powers of a civil court under clause (e) of sub-section (1) of section 16;	
	(e) the other functions which the National Board may perform under clause (j) of sub-section (2) of section 17;	
	(f) the terms of office and other conditions of service of Director, Scientists, officers and other	

	employees of National Registry under section 20;	
	(g) the period and the form in which an application shall be made for registration and fee payable thereof under sub-section (2) of section 37;	
	(h) the other information to be specified and documents to be annexed to the application under clause (d) of sub-section (2) of section 37;	
	(i) the application made for extension of the registration of assisted reproductive clinic and assisted reproductive bank under sections 39 and 43.	
	(j) the period, the form and manner in which an appeal may be preferred to the National Board under sub-section (1) of section 45.	
	(k) the medical examination of the diseases with respect to which the donor shall be tested under sub-section (5) of section 46;	
	(l) the manner of looking into the complaints for the mechanism adopted by the assisted reproductive technology clinic under sub-section (13) of section 46;	
	(m) the manner of maintaining the records by the assisted reproductive technology clinics and Banks under sub-section (1) of section 48.	
	(n) the manner of medical analysis of semen in sub-section (8) of section 49.	
	(o) the medical examination of diseases with respect to which the donor shall be tested under sub-section (3) and sub-section (5) of section 52.	
	(p) the manner of obtaining the information in respect of sperm or oocyte donor or a surrogate by the assisted reproductive technology bank under sub-section (12) of section 52.	

	(q) the fee to be paid to the assisted reproductive technology bank for the purpose of storing any semen obtained from a donor for exclusive use for his wife under sub-section (13) of section 52.	
	(r) the fee to be paid for storing of embryo under sub-section (3) of section 53.	
	(s) the medical examination of the diseases with respect to which any woman seeking to act as surrogate mother under sub-section (6) of section 60.	
	(t) the medical examination of the diseases with respect to which the donor's shall be tested under sub-section (5) of section 61.	
	(u) the form for maintaining proper accounts and other relevant records and the annual statement of the accounts of the National Board under sub-section (1) of section 77.	
	(v) the form in which and the time in which the annual report of the National Board shall be prepared under sub-section (1) of section 78.	
	(w) the salary and allowances payable to and other terms and conditions of service of the officers and of the employees of the National Board under sub-section (3) of section 91.	
	86. (1) The State Government may make rules for carrying out the provisions of this Act.	Power of State Government to make rules
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –	
	(a) the salary and allowances payable to and other terms and conditions of service of the Chairperson and Members of the State Board under sub-section (3) of section 25;	
	(b) the other functions which the State Board may perform under clause (e) of sub-section (2) of section 33;	

	(c) any other matter in respect of which the State Board may exercise the powers of a civil court under clause (e) of sub-section (1) of section 34;	
	(d) the manner of appointing the Chairperson and Members of the Registration Authority under sub-section (3) of section 35;	
	(e) the allowances payable to and other terms and conditions of service of the Chairperson and the Members of the Registration Authority under sub-section (4) of section 35;	
	(f) the period, the form and manner in which an appeal may be preferred to the State Board under sub-section (1) of section 44;	
	(g) the form for maintaining proper accounts and other relevant records and the annual statement of the accounts of the State Board under sub-section (1) of section 77;	
	(h) the form in which and the time in which the State Board shall prepare the annual report under sub-section (1) of section 78;	
	(i) the manner of entry and search by the State Board or any officer authorized by it under sub-section (1) of section 81;	
	(j) the salary and allowances payable to and other terms and conditions of service of the officers and of the employees of the State Board under sub-section (3) of section 91.	
	87. (1) The National Board may, with the previous sanction of the Central Government, by notification make regulations consistent with this Act and the rules made there under to carry out the provisions of the Act;	Power to make regulations by National Board.
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –	
	(a) time, place and the procedure in regard transaction of business at meetings of the	

	National Board under sub-section (1) of section 14;	
	(b) the permissible assisted reproductive technology procedures under clause (b) of sub-section (2) of section 17;	
	(c) the selection of patients for assisted reproductive technology procedures under clause (c) of sub-section (2) of section 17;	
	(d) the research on human embryos under clause (g) of sub-section (2) of section 17;	
	(e) the minimum physical infrastructure requirements for an assisted reproductive clinic and assisted reproductive technology bank under clause (a) of sub-section (2) of section 17;	
	(f) the minimum requirements regarding staff in assisted reproductive technology clinic and assisted reproductive technology bank under clause (a) of sub-section (2) of section 17;	
	(g) the manner of harvesting oocytes under sub-section (1) of section 49;	
	(h) the number of oocytes or embryos under sub-section (2) of section 49;	
	(i) any other matter which is required to be, specified by regulations or in respect of which provision is to be made by regulations.	
	88. (1) The State Board may, with the previous sanction of the State Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules made there under to carry out the provisions of the Act;	Power to make regulations by State Board.
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –	
	(a) time, place and the procedure in regard transaction of business at meetings of the State Board under sub-section (1) of section 32;	
	(b) the form and fee for extension of registration under section 39;	

	(c) the manner of harvesting oocytes under sub-section (1) of section 49;	
	(d) number of oocytes or embryos under sub-section (2) of section 49;	
	(e) any other matter which is required to be, specified by regulations or in respect of which provision is to be made by regulations.	
	89. Every rule or regulation made and notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses of Parliament agree in making any modification in the rules or regulations or notifications, as the case may be, both Houses agree that the rules or regulations or notifications, as the case may be, should not be made or issued, the rule or regulation or notification, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification, as the case may be.	Laying of Rules and Regulations.
	90. (1) The National Board may, by general or special order, delegate to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions exercisable by it under this Act (except the power to make regulations under section 87) as it may deem necessary.	Delegation.
	(2) The State Board may, by general or special order, delegate to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions exercisable by it under this Act (except the power to make regulations under section 88) as it may deem necessary.	

	91. (1) The Central Government may appoint, in consultation with the National Board such officers and employees as it considers necessary for the efficient discharge of their functions under this Act who would discharge their functions under the general superintendence of the Chairperson.	Officers and employees of Board.
	(2) The State Government may appoint, in consultation with the State Board such officers and employees as it considers necessary for the efficient discharge of their functions under this Act who would discharge their functions under the general superintendence of the Chairperson.	
	(3) The salary and allowances payable to and the other terms and conditions of service of the officers and of the employees of the National Board appointed under sub-section (1) shall be such as may be prescribed by the Central Government.	
	(4) The salary and allowances payable to and the other terms and conditions of service of the officers and of the employees of the State Board appointed under sub-section (2) shall be such as may be prescribed by the State Government.	
	92. The Chairperson and other Members and the officers and other employees of the National Board, State Board and the Registration Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.	Members and staff of National Board to be public servants.
	93. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.	Act to have overriding effect .
57 of 1994.	94. The provisions of this Act shall be in addition to, and not in derogation of the provisions Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and the Clinical Establishment (Registration and Regulation) Act, 2010 or of any other law for the time being in force.	Application of other laws not barred.
	95. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing the difficulty:	Power to remove difficulties.

	Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.	
	(2) Every order made under this section shall, as soon as may be made, be laid before each House of Parliament.	