

**GOVERNMENT OF INDIA  
HEALTH AND FAMILY WELFARE  
LOK SABHA**

UNSTARRED QUESTION NO:6971  
ANSWERED ON:11.05.2005  
LEGAL PROTECTION TO CHILDREN  
Jagannath Dr. M.

**Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:**

- (a) whether there is proposal under the consideration of the Government to provide legal protection to children born through use of donor gametes and born to a single woman through artificial insemination ;
- (b) if so, the details thereof; and
- (c) by when it is likely to be done?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE ( SMT. PANABAKA LAKSHMI)

(a) & (b): Yes, Sir. The Indian Council of Medical Research has developed the `National Guidelines for Accreditation, Supervision and Regulation of Assisted Reproductive Technology (ART) Clinics in India which is under active consideration of the Ministry.

These Guidelines also include issues related to legal protection to children born through the use of donor gametes and born to a single woman through artificial insemination. The relevant provisions are:-

- (i) A child born through ART shall be presumed to be the legitimate child of the couple, born within wedlock and with the consent of both the spouses. The child shall therefore have all legal right to parental support, inheritance and all other privileges of a child born to a couple through sexual intercourse. The sperm/oocyte donors shall have no parental right or duties in relation to the child and their anonymity shall be protected.
  - (ii) Children born through the use of donor gamets and their adopted parents shall have a right to avail medical or genetic information about the genetic parents that may be relevant to the child`s health.
  - (iii) Children born through the use of donor gamets shall not have any right whatsoever to know the identity (such as name, address, parentage etc.) of their genetic parents.
  - (iv) There is no legal bar on an unmarried woman going for Artificial Insemination (AID). A child born to a single woman through AID would be deemed legitimate.
- (c): There is at present no proposal for any legislation in this regard.