

**Letter to Hon'ble Minister of Health and Family Welfare, raising issues and concerns related to assisted reproductive technologies (ARTs) and surrogacy**

To,  
Shri Ghulam Nabi Azad,  
Hon'ble Minister of Health and Family Welfare,  
Government of India,  
New Delhi

Dear Shri Ghulam Nabi Azad,  
Sama-Resource Group for Women and Health and Jan Swasthya Abhiyan has been raising issues and concerns related to assisted reproductive technologies (ARTs) and surrogacy for the past many years. This is to bring to your notice a case of medical negligence resulting in the death of a 26 years old Yuma Sherpa, following an egg donation procedure at New India Clinic, Lajpat Nagar, New Delhi. The woman belongs to Darjeeling and was working in Delhi as a shop assistant in Lodhi Colony.

As per the newspaper reports in The Hindu and The Indian Express dated 1 February 2014 and the statement issued by the All India Democratic Women's Association (AIDWA) who visited the family of the victim as well as, after the procedure of donation of the eggs on January 29th, the woman spoke to her husband on the phone from the recovery room of the clinic. When her husband reached the clinic, he found out that she was not responding. Even after he told this to the staff, he was told that it was because of the medications given to her. Later she was shifted in a critical condition to another hospital at a distance rather than other hospitals like AIIMS on the way. Her death in these circumstances raises many questions which need serious investigation.

We request you to take up this matter urgently and expedite an investigation into the case. Strict action should be taken against those who are found guilty and compensation should be paid to the family of the woman. We demand an immediate investigation into the case and punishment to the guilty and justice to the family.

We have seen in the last few years, that ethical practices almost cease to exist and worrying stories of unscrupulous means to maximize profit by cashing in on egg donors' or surrogates' vulnerability abound.

This incidence once again underscores the long overdue need to set up regulatory framework for the Assisted Reproductive Technologies (ARTs) for dealing with such cases. We have repeatedly submitted our concerns on the ART Draft Bill in order to ensure protection of rights of the surrogates and egg donors. The present ART Draft Bill (2013) needs to reviewed; we have sent our comments and recommendations on the 2010 Draft Bill and also on the ART Draft Bill (2013) [copied below]. We are attaching again the concerns of Sama on the Draft Bill and the proposed Act, and urge you to consider our concerns and recommendations.

As we have repeatedly argued for years, protections offered to egg donors and surrogates are completely inadequate, including in the current Draft ART Bill 2013, especially in terms of the medical risks they undertake. There is no mention of "death" in the entire Draft Bill.

The medical regimen, its implications and the experiences of egg donors or surrogates pose questions that are deeply political and have significant connotations at the policy level, which need to be addressed for protecting the rights of the egg donors and surrogates. It is therefore imperative that the number of oocytes ‘retrieved’ and embryos to be ‘harvested’ and “transferred” need to be restricted and strictly regulated taking cognizance of health implications and safety, age and other health conditions, etc., of women undergoing these procedures/arrangements. The focus should be on ensuring the protection of donors from any injury or death. Privileging the financial interests over considerations of egg donors and surrogates’ health, while evading any scrutiny by grounding all decisions in being “medically indicated”, poses a great challenge to the ethics of medical practice.

We hope that urgent attention will be paid to the Draft legislation (2013) and processes for review and incorporation of concerns will be initiated. We also hope that immediate action is taken against those involved in the death of Yuma Sherpa and justice is rendered to her family.

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(Sama Resource Group for Women and Health)

Deepa Venkatachalam  
(Jan Swasthya Abhiyan)

Taken from Sama (A Resource Group for Women and Health) Website:  
<https://samawomenshealth.wordpress.com/2014/02/06/letter-to-honble-minister-of-health-and-family-welfare-raising-issues-and-concerns-related-to-assisted-reproductive-technologies-arts-and-surrogacy/>