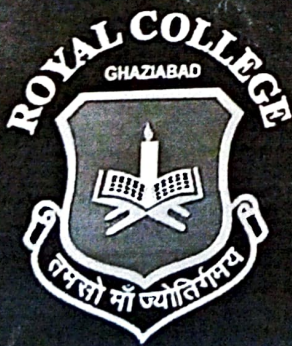


# Legal Journal of Royal College of Law



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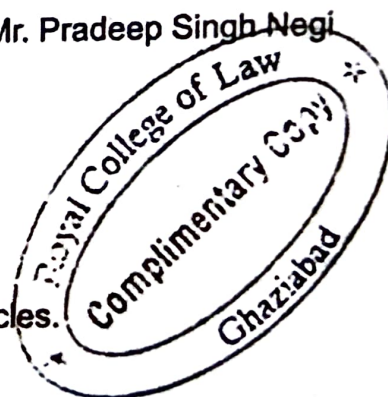
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# SURROGACY : AN ANALYSIS OF HUMAN RIGHTS OF SURROGATE MOTHER

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Research Scholar  
S.V.Subharti University, Meerut

Commercial surrogacy or "womb for rent" is a growing business in India. In our globalizing world the growth of reproductive tourism is a fairly recent phenomenon. Surrogacy business is exploiting poor women in country like India already having with an alarming high maternal death rate. In this proposed article I talks about paternity issues and women's right to health in context of surrogacy. Government must seriously consider enacting a law to regulate surrogacy in India in order to protect and guide couple going in for such an option. Without a foolproof legal framework patient will invariably be mislead and surrogate exploited.

The road to surrogacy is hard and long. Things are bound to go wrong as one cannot foresee the possibility of the surrogate keeping the child, the child being still born or even dying at birth. However, it's an option some childless couples are willing to consider despite the odds. When a woman carries a baby in her womb and goes through entire process of pregnancy and delivery on behalf of somebody else it can be called as Surrogacy. Surrogacy is not at all new to the current generation, and is slowly but surely becoming more and more popular and accepted. Since Surrogacy is indisputably a highly sensitive and delicate issue, there are several crucial factors like legal, ethical, emotional, financial and social issues that are closely linked to it.

More the number of issues in surrogacy, more complex it gets. That explains why, not all nations of the world have legalized surrogacy. Sometimes different states within a single country may have different laws to deal with surrogacy. Surrogacy may not be accepted by each and every individual. There are many people who raise numerous criticisms and clearly display their disapproval of this arrangement of hiring a womb for begetting a child.

## SURROGACY – MEANING

The word 'surrogate' has its origin in Latin 'surrogates', past participle of 'surrogate', meaning a substitute, that is, a person appointed to act in the place of another. Thus a surrogate mother is a woman who bears a child on behalf of another woman, either from her own egg or from the implantation in her womb of a fertilized egg from other woman.

According to the Black's Law Dictionary, surrogacy means the process of carrying and delivering a child for another person. The New Encyclopedia Britannica defines 'surrogate motherhood' as the practice in which a woman bears a child for a couple unable to produce children in the usual way.

## HISTORICAL BACKGROUND:

Surrogate motherhood is gaining great prominence in the recent times but the concept of bearing another woman's child has been there since the early days of human civilization. One can find the mention of surrogacy in the form of regulations in the famous Code of Hammurabi. This dates back to 1800 BC. Even in the Hebrew bible, surrogate and surrogacy is found to be mentioned quite a number of times. If you look into the 16th chapter of the Genesis, you will find that Sarah and Abraham are suffering for being a childless couple. Sarah is infertile, but she wants to become a mother. So she acquires the service of her servant Hagar, who agrees to be impregnated by Abraham and bears Sarah a child. In Hindu culture, surrogacy was known in the name of "Niyogi Pratha" in Mahabharata. Gandhari the wife of king Dhritrashtra conceived, after which she delivered a mass, these cells

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## **Terrorism and Human Rights : An Analysis**

*Reena Bishnoi, Research Scholars, Swami Vivekanand Subharti University, Meerut*

### **Introduction**

In India, national and international terrorist groups operate incessantly and menacingly, destroying national properties, killing innocent. The state has limited physical resources to control this menace. On the other hand, the terrorists have been posing a great threat to the internal security of the country. Kasab's hanging compel us to rethink, the failure of our intelligence and security agencies to anticipate and thwart 26/11. Kasab died peacefully whereas his victims died a violent death. No doubt terrorism is a offence against humanity. Problem of terrorism is an old one but challenges are new. It has drastically affected the world economy and people's life. It is a curse on mankind. This insanity is perpetuated by fanatic act of deranged barbarians who have no value for human and human rights. Innocent persons who have no link with or knowledge of terrorist have lost their lives in terrorist attacks. There is a close connection between human right and terrorism. Terrorism is known to have existed, in one form on the other at several stages in the recorded history in almost all parts of the world after the 9/11 attacks on the

world trade centre in united states and the December 13, 2001 attacks on the Indian parliament and November 26, 2008 attack in Mumbai, terrorism assumed new dimension and has come to threaten the very foundation of modern civilized society. The way these attacks were carried out redefined the term terrorism, however subsequently at the national level front there have been many acts of violence that one finds difficult to identify with. India is no stranger to terrorism. It has been a long-time sufferer of terrorism, be it in the North-east, Punjab or in Jammu & Kashmir. However, since the last half a decade specially, terrorism has increasingly spread to other parts of the country.

**Concept of terrorism :** Terrorism is not new, and even though it has been used since the beginning of recorded history it can be relatively hard to define. Terrorism is an organized system of intimidation. It is broadly defined as 'violent behavior designed to generate fear in the community, or a substantial segment of it, for political purposes'. Terrorism has been described variously as both a tactic and strategy; a crime and a holy duty; a justified reaction to oppression and an inexcusable abomination. Obviously, a lot depends on whose point of view is being

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समस्या एवं सुझाव

प्रायोजक  
उच्च शिक्षा विभाग, उ० प्र० शासन, लखनऊ



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India Reporters (AIR) SC 870 "State of Madhya Pradesh V. Shri Ram Singh", April 2000.

- Bardhan, Pranab. 1997 "Corruption and Development: A Review of Issues," Journal of Economic Literature, 35.



## ROLE OF "THE RIGHT TO INFORMATION ACT, 2005" TO CURB CORRUPTION: AN ANALYSIS

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Corruption is the murderer of Rule of Law, unless corruption is jailed and eventually hanged, the future of this country is not bright. Contrarily, if the amounts of resources that are lost every year in corrupt practices are used in the developmental work of the nation then it is not difficult to imagine where India can reach. The main reason for not being transparency in the system is the corruption. Corruption is a multi-faceted and complex phenomenon. Today, in India corruption has penetrated deep into the system and receives support from the top, as a result honest and right officers who try to expose corruption are often harassed by this higher authorities. The tentacles of corruption are widespread and deep rooted and it is prevalent in every facet of society be it economic, political, administrative or social. On the basis of the corruption perception index provided by Transparency International we can analyze the level of corruption in India and along with the level or position of other countries can be analyzed through this ranking and scoring. Since 1995, Transparency International (TI) publishes the Corruption Perception Index (CPI) annually ranking countries by their perceived levels of corruption, as determined by expert assessments and opinion surveys. The CPI ranks countries/territories based on how corrupt their public sector is perceived to be. Corruption is the abuse of entrusted power for private gain. It is generally comprises illegal

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activities, which mainly come to light only through scandals investigations or prosecutions. Corruption is the abuse of entrusted power for private gain. It is generally comprises illegal activities, which mainly come to light only through scandals, investigations or prosecutions. It is thus difficult to assess absolute levels of corruption in countries or territories on the basis of hard empirical data. In 2012 India's rank has declined in one rank but it is not the appropriate ranking for the point of good governance. Though during the above mentioned period indicates the serious corruption problem in the country. There continues to be a decline in India's Integrity Score to 3.1 in 2011 from 3.5 in 2007, 3.4 in 2008 & 2009, 3.3 in 2010. Accordingly, India's rank on Transparency International corruption Perception Index (CPI) has also declined further to 95 out of 183 countries surveyed this year, from 87 out of 178 countries in 2010, indicating a serious corruption problem.

Perception about corruption in India seems to have increased primarily due to the alleged corrupt practices in a series of scandals involving the sale of telecom licenses, preparations for the Commonwealth Games, a land scam involving high level officers, and improper property loans made by state-owned financial institutions. As regards CPI of India's neighboring countries, there has been an overall improvement in their ranking and score except Bhutan whose score (5.7) is constant and Nepal's score has slightly declined by 0.1 in 2011 as compare to scoring of 2010. On the other hand in China there is improvement in scoring continuously from last three years i.e. 2010, 2011 and 2012 with a scoring of 3.5, 3.6 and 3.9 respectively. In Sri Lanka condition has also improved as the scoring indicates. From last four years the country increased scoring of 3.1 (2009) to 4.0 (2012) which indicates a great improvement in position. Pakistan also shows improvement in scorings with a difference of 0.2 (in 2011 scores 2.5 and 2.7 in 2012) while the condition of Bangladesh it has slight declined with 0.1 in 2012 as compare to 2011.

In 2013 India was ranked among the world's highly corrupt nations at the 94th spot in a global list topped by Denmark and New Zealand as the cleanest, while Somalia emerged as the most corrupt. While India's rank has remained unchanged from the year 2012, it has emerged as more corrupt than three of its BRICS peers – China (80th), South Africa and Brazil (both ranked 72nd) but better than Russia

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# Legal Aspects related to Adoptive Children in Indian Society

Dr. Sartaj Ahmad\*

Dr Manoj Kumar Tripathi\*\*

Ms Reena Bishnoi\*\*\*

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## Introduction:-

Adoption is a process whereby a person assumes the parenting for another and, in so doing, permanently transfers all rights and responsibilities, along with filiations, from the original parent or parents. Unlike guardianship or other systems designed for the care of the young, adoption is intended to effect a permanent change in status and as such requires societal recognition, either through legal or religious sanction. Historically some societies have enacted specific laws governing adoption; where others have tried to achieve adoption through less formal means, notably via contracts that specified inheritance rights and parental responsibilities without an accompanying transfer of filiations. Modern systems of adoption, arising in the 20th century, tend to be governed by comprehensive statutes and regulations.<sup>1</sup>

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