

File No. I.11019/06/2022 IR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

IRCS Building,
New Delhi 110001, the 1st September, 2022

To

Shri Arun Muthuvel
13, 1st main Road, Kasthuribai Nagar,
adyar, Chennai, 600020
Tamilnadu, India

Subject: RTI application no. DOIIR/IR/T/22/00086 dated 23/08/2022
under Right to Information Act, 2005.

Sir,

I am directed to refer to your RTI application dated 23/08/2022 and to say that as per guidelines in accordance with DoIT O.M. No. 1/69/2007 IR, dated the 27th February, 2008, (para 8), the CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the Applicants; or to furnish replies to hypothetical questions. However the following information is provided for your assistance.

(i) As per The Assisted Reproductive Technology (Regulation) Act, 2021 (NO. 42 OF 2021) What is the amount which can be paid for egg donor who are donating eggs?

Reply: No commercial transaction allowed for egg donation except the following provision: Para 12 of the Assisted Reproductive Technology (Regulation) Rules, 2022.

Insurance coverage/Guarantee for oocyte donor (i) The Intending couple or woman will purchase a general health insurance coverage in favor of oocyte donor for a period of 12 months from an insurance company or an agent recognized by the Insurance Regulatory and Development Authority established under the provisions of the Insurance Regulatory and Development Authority Act, 1999 for an amount which is sufficient enough to cover all expenses for all complications arising due to oocyte retrieval.

(ii) Is there any rule for frozen oocytes through egg donor?

Reply The query raised is not clear.

2. Shri S.N. Jasra, Deputy Secretary, Department of Health Research, 2nd Floor IRCS Building, Red Cross Road, New Delhi 110001, is the appellate Authority.
3. This disposes of the RTI Application mentioned above.

Yours faithfully

(Dinesh Kumar)

Deputy Secretary & CPIO

Tele: 23736902

Copy to: RTI Cell

File No. I.11019/34/2022-HR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

IRCS Building, Red Cross Road
New Delhi-110001
Dated: 1st November, 2022

To,

Mr. Arun Muthuvel
13, 1st Main Road
Kasthuribai Nagar
Adyar-600020, Tamil Nadu
arunmuthuvel@gmail.com

Subject:- RTI application of dated 17/10/2022 registration no. DOHRE/R/E/22/00305 under Right to Information Act, 2005.

Sir,

I am directed to refer to your RTI application dated 17/10/2022 and to say that as per guidelines in accordance with DoPT O.M. No. 1/69/2007-IR, dated the 27th February, 2008, (para 8), the CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the Applicants; or to furnish replies to hypothetical questions. However, the following information is provided for your assistance: -

Que 1. Can ART clinic registered under Level 2 recruit egg donors and sperm donors directly for treatment of infertile couples who require donors?

➤ Reply: The registration and screening of egg and sperm donors shall only be done by an ART bank registered as an independent entity under the provisions of the Assisted Reproductive Technology (Regulation) Act, 2021. The relevant position stands clarified in Section 27 (1) of the Assisted Reproductive Technology (Regulation) Act, 2021 and para 3 (2) of the Assisted Reproductive Technology (Regulation) Rules, 2022.

Que 2. Can voluntary egg donors who come to Level 2 clinics for donating eggs do so?

➤ Reply: Yes, the voluntary egg donors can donate eggs at Level 2 ART clinic after the screening and registration of the egg donors has been completed by the registered ART bank. The relevant position stands clarified in Section 27 (1) of the Assisted Reproductive Technology (Regulation) Act, 2021 and para 3 (2) of the Assisted Reproductive Technology (Regulation) Rules, 2022.

Que 3. Can egg donors be financially compensated for egg donation?

Reply: No, egg donation for any commercial gain is prohibited under the Assisted Reproductive Technology (Regulation) Act, 2021. However, the provision of insurance coverage for a period of twelve months purchased by the commissioning couple or woman in favour of the oocyte donor from an insurance company or an

Reply: No Sir. The relevant position stands clarified under Schedule 1 Part I Para A (a) of the Assisted Reproductive Technology (Regulation) Rules, 2022.

Ques 7. Can an existing IVF clinic level 2 train gynecologists in IVF treatments?

Reply: No Sir.

Ques 8. What are the recognized courses for infertility in India for Gynecologists?

Reply: This information is not maintained by DHR.

Ques 9. Is there any restriction on the number of Level 1 or Level 2 clinics a gynecologist can be attached with?

Reply: The requirement of Gynecologist in level 1 Clinic stands clarified under Schedule 1 Part 1 A (c) (i) of the Assisted Reproductive Technology (Regulation) Rules, 2022. Further, the requirement of Gynecologist in Level 2 clinics stands clarified under Schedule 1 Part 1 A (a).

Ques 10. Can a gynecologist who is running a gynec clinic without level 1 or level 2 license do ovulation induction or stimulation using gonadotropins?

Reply: No ART procedure in any form can be performed without being registered under the ART Act, 2021.

The relevant position stands clarified under Section 15(1) of the Assisted Reproductive Technology (Regulation) Act, 2021 which reads as under:-

No person shall establish any clinic or bank for undertaking assisted reproductive technology or to render assisted reproductive technology procedures in any form unless such clinic or bank is duly registered under this Act.

Ques 11. Can a level 1 Fertility clinic stimulate females using gonadotropins and refer them to level 2 fertility clinics?

Reply: As per para 3 (ii) of the Assisted Reproductive Technology (Regulation) Rules, 2022, only ART Clinics Level 2 can do surgical retrieval of gametes as well to handle the oocyte outside the human body.

2. Smt. Geeta Narayan, Joint Secretary, Department of Health Research, 2nd Floor IRCS Building, Red Cross Road, New Delhi- 110001, is the appellate Authority.

3. This disposes of the RTI Application mentioned above.

Yours faithfully



(S.N. Jasra)

Deputy Secretary & CPIO

Tele: - 23736218

Copy to: RTI Cell

File No. I.11019/37/2022-HR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

IRCS Building, Red Cross Road
New Delhi-110001
Dated: 11 November, 2022

To,

Mr. Arun Muthuvel
13, 1st Main Road
Kasthuribai Nagar, Adyar
Chennai-600020, Tamil Nadu
arunmuthuvel@gmail.com

Subject:- RTI application of dated 21/10/2022 registration no.
DOHRE/R/E/22/00313 under Right to Information Act, 2005.

Sir,

I am directed to refer to your RTI application dated 21/10/2022 and to say that as per guidelines in accordance with DoPT O.M. No. 1/69/2007-IR, dated the 27th February, 2008, (para 8), the CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the Applicants; or to furnish replies to hypothetical questions. However, the following information is provided for your assistance: -

Que. If an egg donor comes to an IVF Clinic directly which has level 2 license, can the clinics stimulate Egg donors for use to a recipient couple who needs donor egg IVF?

/Reply: Yes, a level 2 ART clinic can stimulate the egg donors to donate eggs for the recipient couple, only when the screening and registration of the egg donor has been completed by a registered ART bank. However, an egg donor shall donate oocytes only once in her life and not more than seven oocytes shall be retrieved from the oocyte donor and also subject to fulfilment of the eligibility criteria prescribed under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Rules, 2022.

2. Smt. Geeta Narayan, Joint Secretary, Department of Health Research, 2nd Floor IRCS Building, Red Cross Road, New Delhi- 110001, is the appellate Authority.

3. This disposes of the RTI Application mentioned above.

Yours faithfully



(S.N. Jasra)

Deputy Secretary & CPIO
Tele: - 23736218

Copy to: RTI Cell

File No. I.11019/39/2022-HR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

IRCS Building, Red Cross Road
New Delhi-110001
Dated: 15 November, 2022

To,

Mr. Arun Muthuvel
13, 1st Main Road
Kasthuribai Nagar, Adyar
Chennai-600020, Tamil Nadu
arunmuthuvel@gmail.com

Subject:- RTI application of dated 23/10/2022 registration no. DOHRE/R/E/22/00317 under Right to Information Act, 2005.

Sir,

I am directed to refer to your RTI application dated 23/10/2022 and to say that as per guidelines in accordance with DoPT O.M. No. 1/69/2007-IR, dated the 27th February, 2008, (para 8), the CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the Applicants; or to furnish replies to hypothetical questions. However, the following information is provided for your assistance: -

Que 1. If a woman enters an IVF level 2 clinic wanting to donate eggs voluntarily without any financial compensation can the clinic proceed with the egg donation process?

Reply. Yes, a woman can donate eggs voluntarily in a level 2 ART clinic as per the prescribed procedures under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Rules, 2022.

Que 2. Can a woman known to the recipient couple who needs donor eggs donate eggs?

Reply. Yes, a woman known to the recipient couple can donate eggs as per the prescribed procedures under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Rules, 2022.

Que 3. Is it mandatory to have confidentiality with respect to egg donation process?

Reply. The relevant position stands clarified in Section 21 (e) of the Assisted Reproductive Technology (Regulation) Act, 2021 which reads as under:

"the clinics and banks shall ensure that information about the commissioning couple, woman and donor shall be kept confidential and the information about treatment shall not be disclosed to anyone except to the database to be maintained by the National Registry, in a medical emergency at the request of the commissioning couple to whom the information relates, or by an order of a court of competent jurisdiction".

Que 4. Can an egg donor donate eggs to a known couple willingly?

Reply. Yes, an egg donor can donate eggs to a known couple as per the prescribed procedures under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Rules, 2022.

agent recognized by the IRDA. The relevant position stands clarified in para 12 of the Assisted Reproductive Technology (Regulation) Rules, 2022.

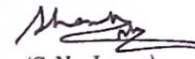
Que 4. Is egg donation only altruistic as per the ART Act?

Reply: The egg donation for any commercial gain is not allowed under the Assisted Reproductive Technology (Regulation) Act, 2021. The selling and purchasing of gametes/ embryos is a punishable offence as mentioned in Section 33 (1) (b) of the Assisted Reproductive Technology (Regulation) Act, 2021.

2. Smt. Geeta Narayan, Joint Secretary, Department of Health Research, 2nd Floor IRCS Building, Red Cross Road, New Delhi- 110001, is the appellate Authority.

3. This disposes of the RTI Application mentioned above.

Yours faithfully



(S.N. Jasra)

Deputy Secretary & CPIO
Tele: - 23736218

Copy to: RTI Cell

File No. I.11019/36/2022-HR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

IRCS Building, Red Cross Road
New Delhi- 110001

Dated: 15 November, 2022

To

Arun Muthuvel,
13, 1st Main Road, Kasthuribai Nagar,
Adyar Chennai,
Tamil Nadu, Pin-600020
arunmuthuvel@gmail.com

Subject: - RTI application of dated 23/10/2022 registration no. DOHRE/R/E/22/00318 under Right to Information Act, 2005.

Sir,

I am directed to refer to your RTI application dated 23/10/2022 and to say that as per guidelines in accordance with DoPT O.M. No. 1/69/2007-IR, dated the 27th February, 2008, (para 8), the CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the Applicants; or to furnish replies to hypothetical questions. However, the following information is provided for your assistance: -

Ques 1. Can an IVF Clinic train junior embryologist?

Reply: No Sir.

Ques 2. Is there any plan to bring any embryology academic programs in India?

Reply: This query does not pertain to DHR.

Ques 3. Is it compulsory to have a Lab Director for IVF Clinics Level 2?

Reply: The relevant position stands clarified under Schedule 1 Part I Para A (b) of the Assisted Reproductive Technology (Regulation) Rules, 2022.

The ART clinic Level 2 shall have a minimum of one gynaecologist, one anaesthetist, one embryologist and one counsellor and the additional staff at the level of Director and Andrologist may be employed by the ART Level 2 clinics.

Ques 4. Is it compulsory to have an Andrologist in IVF Clinics Level 2?

Reply: The relevant position stands clarified under Schedule 1 Part I Para A (b) of the Assisted Reproductive Technology (Regulation) Rules, 2022.

The ART clinic Level 2 shall have a minimum of one gynaecologist, one anaesthetist, one embryologist and one counsellor. The additional staff at the level of Director and Andrologist may be employed by the ART Level 2 clinics.

Ques 5. Is it compulsory to have a Lab Director for IVF Clinics Level 1?

Reply: No Sir. The relevant position stands clarified under Schedule 1 Part I Para A (a) of the Assisted Reproductive Technology (Regulation) Rules, 2022.

Ques 6. Is it compulsory to have an Andrologist in IVF Clinics Level 1?

Contd./

Que 5. Who should take the insurance policy for the egg donor? The recipient couple or the clinic?

Reply. The commissioning couple will purchase an insurance coverage for a period of twelve months in favour of the oocyte donor from an insurance company or an agent recognized by the Insurance Regulatory and Development Authority (IRDA). The relevant position stands clarified in para 12 of the Assisted Reproductive Technology (Regulation) Rules, 2022.

Que 6. Duration the egg retrieval process for an egg donor if the follicles are already ruptured and if the egg retrieval process is cancelled can the egg donor be stimulated again and eggs taken in the next cycle?

Reply. The query happens to be clinical clarification beyond the information available with the undersigned CPIO.

Que 7. If there are 10 follicles for the egg donor, how can follicles can be aspirated?

Reply. The query happens to be clinical clarification beyond the information available with the undersigned CPIO.

Que 8. In case of a surrogate mother who is willing to bear the child for an other couple, can she do it not for non blood relatives?

Reply. Any willing woman ever married having a child of her own and between the age of 25 to 35 years can act as a surrogate mother subject to the fulfilment of all the other eligibility criteria as prescribed under the Surrogacy (Regulation) Act, 2021 and the Surrogacy (Regulation) Rules, 2022.

Que 9. In case of egg donation, can the egg donor freeze the eggs for future use?

Reply. The query stands clarified under Section 27 (5) of the Assisted Reproductive Technology (Regulation) Act, 2021 and para 13 (a) and (b) of the Assisted Reproductive Technology (Regulation) Rules, 2022.

Que 10. Can a level 2 clinic perform egg donor cycle if a donor approaches the clinic directly for voluntary egg donation?

Reply. Yes, an egg donor can donate eggs voluntarily in a level 2 ART clinic only after the screening and registration of the egg donor has been completed by a registered ART bank. However, an egg donor shall donate oocytes only once in her life and not more than seven oocytes shall be retrieved from the oocyte donor and also subject to fulfilment of all the eligibility criteria prescribed under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Rules, 2022.

Que 11. Can a level 2 clinic pay for the travel and food of the egg donor?

Reply. Any expenditure incurred by the egg donor can be reimbursed by the commissioning couple/ single women subject to the condition that no monetary gain accrues to the egg donor.

Que 12. Is there any upper cash limit for the travel and food reimbursement of the egg donor?

Reply. The query stands replied to in answer to question no. 11 above.

Que 13. Is there any restriction in reimbursing the egg donor for loss of her employment during egg donation process?

Reply. The objective of the Assisted Reproductive Technology (Regulation) Act, 2021 is the regulation and supervision of the assisted reproductive technology clinics and the assisted reproductive technology banks, prevention of misuse, safe and ethical practice of assisted reproductive technology services for addressing the issues of reproductive health where assisted reproductive technology is required for becoming a parent or for freezing gametes, embryos, embryonic tissues for further use due to infertility, disease or social or medical concerns and for regulation and supervision of research and development and for matters connected therewith or incidental thereto. No commercial transaction leading to monetary gain in violation of the objective of the Assisted Reproductive Technology (Regulation) Act, 2021 is permissible in favour of the egg donor.

Ques 14. Is there any restriction on the recipient couple reimbursing the stay, travel and food costs of the egg donor?

Reply. The query stands replied to in answer to question no. 13 above.

Que 15. How can the clinic verify the aadhaar or any other identity proof of the egg donor?

Reply: The Section 27 (6) of the Assisted Reproductive Technology (Regulation) Act, 2021 is relevant in the matter and the same is reproduced below:

A bank shall obtain all necessary information in respect of a sperm or oocyte donor, including the name, Aadhaar number as defined in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016, address and any other details of such donor, in such manner as may be prescribed, and shall undertake in writing from such donor about the confidentiality of such information.

2. If you are not satisfied with this reply, you can make an appeal, within 30 days, under Section 19 of the Right to Information Act, 2005, to the First Appellate Authority, i.e., Smt. Geeta Narayan, Joint Secretary, Department of Health Research, 2nd Floor IRCS Building, Red Cross Road, New Delhi- 110001.

3. This disposes of the RTI Application mentioned above.

Yours faithfully



(S.N. Jasra)
Deputy Secretary & CPIO
Tele: - 23736218

Copy to: RTI Cell

File No. I.11019/46/2022-HR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

IRCS Building, Red Cross Road
New Delhi- 110001

Dated: 25th November, 2022

To

Shri. Arun Muthuvel,
13, 1st Main Road, Kasthuribai Nagar,
Adyar Chennai,
Tamil Nadu, Pin-600020
arunmuthuvel@gmail.com

Subject: - RTI application dated 06/11/2022 registration no.
DOHRE/R/E/22/00331 under Right to Information Act, 2005.

Sir,

I am directed to refer to your RTI application dated 06/11/2022 and to say that as per guidelines in accordance with DoPT O.M. No. 1/69/2007-IR, dated the 27th February, 2008, (para 8), the CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the Applicants; or to furnish replies to hypothetical questions. However, the following information is provided for your assistance: -

Ques 1. As per the ART & Surrogacy Bills 2021, its mentioned that Indian and Indian origin couples can do Surrogacy. Does that mean, NRI can do Surrogacy in India?

Reply: NRI can do Surrogacy in India subject to the fulfillment of the eligibility criteria prescribed under Section 4 of the Surrogacy (Regulation) Act, 2021.

Ques 2. As per the ART & Surrogacy Bills 2021, its mentioned that Indian and Indian origin couples can do Surrogacy. Does that mean, OCI Card holders can do Surrogacy in India?

Reply: The OCI Card holders can avail Surrogacy as per Section 4 (a) of the Surrogacy (Regulation) Act, 2021 and also subject to the fulfillment of the other eligibility criteria prescribed under Section 4 of the Surrogacy (Regulation) Act, 2021.

Ques 3. Also can egg banks and level 2 clinics compensate the egg donor for travel, food and accommodation costs for donating eggs?

Reply: Any expenditure incurred by the egg donor can be reimbursed by the commissioning couple/ single women subject to the condition that no monetary gain accrues to the egg donor.

Ques 4. If compensation can be provided for travel, food and accommodation is there any ceiling limit for the compensation?

Reply: Any expenditure incurred by the egg donor can be reimbursed by the commissioning couple/ single women subject to the condition that no monetary gain accrues to the egg donor.

Ques 5. Also is there any time limit for the compensation to be paid?

Reply: No specific time limit has been prescribed under the Acts.

2. Smt. Geeta Narayan, Joint Secretary, Department of Health Research, 2nd Floor IRCS Building, Red Cross Road, New Delhi- 110001, is the appellate Authority.

3. This disposes of the RTI Application mentioned above.

Yours faithfully



(S.N. Jasra)

Deputy Secretary & CPIO

Tele: - 23736218

Copy to: RTI Cell

File No. I.11019/75/2022-HR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)
...

IRCS Building, Red Cross Road
New Delhi-110001

Dated: 17th January, 2023

To,

Mr. Arun Muthuvel,
13, 1st Main Road,
Kasthuribai Nagar, Adyar,
Chennai-600020, Tamil Nadu.
arunmuthuvel@gmail.com

Subject: - RTI application of dated 29/12/2022 registration no. DOHRE/R/E/22/00393
Under Right to Information Act, 2005.

Sir,

I am directed to refer to your RTI application dated 29/12/2022 and to say that as per guidelines in accordance with DoPT O.M. No. 1/69/2007-IR, dated the 27th February, 2008, (para 8), the CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the Applicants; or to furnish replies to hypothetical questions. However, the following information is provided for your assistance: -

Que 1. Can a BAMS, BEMS, BHMS doctor do counselling work?

Reply. No. The relevant position stands clarified in Schedule 1 Part 1 A (c) (iv) of the Assisted Reproductive Technology (Regulation) Rules (2022).

Que 2. Can any science graduate do counselling work?

Reply. The query stands replied to in answer to question no. 1 above.

2. Smt. Geeta Narayan, Joint Secretary, Department of Health Research, 2nd Floor IRCS Building, Red Cross Road, New Delhi- 110001, is the First Appellate Authority.

3. This disposes of the RTI Application mentioned above.

Yours faithfully



(S.N. Jasra)
Director & CPIO
Tele: - 23736218

Copy to: RTI Cell