

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).

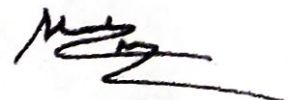
Que 2. Can any science graduate do counselling work?

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

File No. I.11019/74/2022-HR
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)

IRCS Building, Red Cross Road
New Delhi- 110001

Dated: 23rd January, 2023

To,

Smt. Rajee Mehrotra,
B-417, Shushant Lok-1,
Gurugram- 122002,

Subject: - RTI application dated 23/12/2022 under Right to Information Act, 2005.

Madam,

I am directed to refer to your RTI application dated 23/12/2022, which has been received from RTI cell DHR, 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 a patient be stimulated at Level 1 Clinic and IVF of such patient be conducted at some other Level 2 clinic? If yes, does the patient need registration in both Level-1 and Level-2 clinics?

Reply: Patient records has to be maintained by concerned clinics wherever procedure is done.

Ques 2. Is permission required from National Board for transfer of own gametes from one clinic to the other?

Reply: Yes. The relevant position stands clarified under Section 29 of the Assisted Reproductive Technology (Regulation) Act, 2021 which reads as under:

The sale, transfer or use of gametes, zygotes and embryos, or any part thereof or information related thereto, directly or indirectly to any party within or outside India shall be prohibited except in the case of transfer of own gametes and embryos for personal use with the permission of the National Board.

Ques 3. Can semen sample move from Level - 1 clinic to Level -2 clinic without approval of National Board?

Reply: No. The relevant position stands clarified under Section 29 of the Assisted Reproductive Technology (Regulation) Act, 2021 which reads as under:

The sale, transfer or use of gametes, zygotes and embryos, or any part thereof or information related thereto, directly or indirectly to any party within or outside India shall be prohibited except in the case of transfer of own gametes and embryos for personal use with the permission of the National Board.

Contd),

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Ques. 4. Is position of a medical director involved in day-to-day administration of the clinic covered under the definition of Professional Services Section 194J of the Income Tax Act and rules and notification thereunder.

Reply: This query is beyond the information available with the undersigned CPIO.

Ques 5. Is approval from National Board as envisaged under Section 29 of the ART Act required for sending biopsies under Rule 13 (d) of the ART Rules? Can a corporate entity i.e. private limited company owning ART clinics operate separate vertical of ART Banks?

Reply: No, permission from the National Board is not required for sending biopsies under Rule 13 (d) of the ART Rules. All the ART Clinics and the ART Banks have to be registered separately as per prescribed procedure under the Assisted Reproductive Technology (Regulation) 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 6. What is the role of ART Banks?

Reply: The relevant position stands clarified under Rule 3 (2) of the Assisted Reproductive Technology (Regulation) Rules, 2022 which reads as under:

ART banks shall-

- (i) be responsible for screening, collection and registration of the semen donor and cryopreservation of sperms;*
- (ii) perform screening and registration of oocyte donor;*
- (iii) operate as semen banks or oocyte banks or both;*
- (iv) maintain the records or data of all the donors and shall regularly update the National Registry as provided in sections 23, 27, 28 of the Act.*

Ques 7. Can ART Bank charge service fee from ART Clinics for facilitation services provided to it?

Reply: The ART Bank can charge for providing services within the ambit of ART (Regulation) Act, 2021 without violating the objectives of the Assisted Reproductive Technology (Regulation) Act, 2021 which reads as under:

An Act for 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.

Ques 8. Is Commissioning Couple's consent required for disposal of embryos stored before the enactment of ART laws? ✓

Reply: This information is not available with the undersigned CPIO.

Ques 9. Can embryos stored before the enactment of ART laws be disposed of in absence of the consent of commissioning who do not respond to communication sent in this regard? If yes, what is the process for the same?

(7)

Reply: This information is not available with the undersigned CPIO.


Ques 10. During an IVF cycle, can immature gamete or embryo/ non growing embryo be discarded without seeking consent of the patient/commissioning couple?

Reply: This information is not available with the undersigned CPIO.

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)
Director & CPIO
Tele: - 23736218

Copy to: RTI Cell.

File No. L11019/46/2022-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, Kasthuribal 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.11019/34/2022-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

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. L11019/06/2022-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/RT/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 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.

(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.

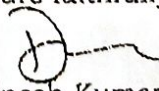
Insurance coverage/Guarantee for oocyte donor (i) The Intending couple or woman will purchase a general health insurance coverage in favor of oocyte donor for a period of 12 months from an insurance company or an agent recognized by the Insurance Regulatory and Development Authority established under 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
Tel: 23736902

Copy to: RTI Cell