

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

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

To,

Mr. Arun Muthuvel  
13, 1<sup>st</sup> Main Road  
Kasthuribai Nagar, Adyar  
Chennai-600020, Tamil Nadu  
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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 27<sup>th</sup> 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.

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, 2<sup>nd</sup> 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