

**Maiden Issue**

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**Volume I, Issue 1, 2023**

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## **Maiden issue**

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## EDITORIAL

It is a matter of immense pleasure to put the maiden issue of the *IILM Law Journal*, April 2023 in the hands of our respectful and responsive members of the legal Fraternity. As a new initiative, it is to provide opportunity to law researchers and those who are doing research in allied subjects, to publish their research, after *peer reviewing*, for the benefit of people interested in legal studies, social studies, legislation, judicial decisions and working of the law. The journal is expected to emerge as a vehicle for thought transmission in multiple dimensions across disciplines and sharing of concerns with critical thinking. Original focused studies with purpose, after appropriate choice of methodology, in preference to stereotypes, will be highly appreciated.

Researches for exploring traditional wisdom and historical context, scientific enquiry, apposite scrutiny and futuristic outlook will be a priority for this journal. Case comments, research notes, review articles, rejoinders and book reviews will be highly appreciated.

This maiden issue covers entries on the themes: Indian Constitutional Stance and Achievements on United Nations Sustainable Development Goals of Equality And Justice; Indian Approach to International Arbitration; India's Target to be a Carbo-Free Country; Data Protection vis-a-vis Right to Privacy In India; Medical Tourism and the Law in India; Collective Investment Scheme; Role of Judiciary in Prevention of Custodial Death with Special Reference to Human Right Jurisprudence; Enforceability of Non-Compete Covenants in Employment Contracts vis-a-vis Judicial Pronouncements in India, and the Movement of Criminal Law towards Equality and Justice for All Regardless of Gender. These are providing ideas for national development, international understanding, working of law in society, policy framing, legislation, judging, public administration, diplomacy, system-

management, regulation of technology and social reform. I wish the journal to contribute to Indian Jurisprudence as a rich platform for projection of well researched factual situations and viable ideas and suggestions.

I am grateful to the contributors, advisors, reviewers and the members of the editorial committee of the journal for their efforts cooperation in bringing out this issue of the journal in a shortest possible period of time. Further, critical comments and constructive suggestions from any one for improvement are most welcome.

Thanks.

**Prof. M. Afzal Wani**  
**Editor**

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## **MEDICAL TOURISM AND THE LAW IN INDIA**

**Pritika Mansukhani\***

### **Abstract**

*Medical tourism refers to patients travelling voluntarily to another nation for private medical treatment. It can take various forms and types which has been discussed in the paper. India is growing to become the top destination for medical tourism around the globe and is comparatively positioned on a higher pedestal in this area than most of the countries. However, along with being extremely helpful and positively impactful on the growth of the host country, medical tourism and the practices involved thereof are subject to legal and ethical issues which can have a significant negative effect on the world as a whole. In this paper, an attempt has been made to analyze the stance of medical tourism and where it stands with the law in India particularly. The legal and ethical aspects of medical tourism have also been discussed in the second half of the paper although data on the viability of ethical issues is limited.*

### **1. Introduction**

The tourism industry is considered to be one of the fastest growing and thriving industries around the globe. In the recent past years, the growth of this industry is not only confined to hotels, rejuvenation, monuments, etc. but also extends to the health care services, which is commonly known as medical tourism.

Medical tourism can be defined as when consumers across the world choose to travel across international borders along with an intention of receiving a certain form of medical treatment. In simpler words, it refers to the phenomenon wherein one person travels to another country for the purpose of acquiring some type of

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\* Bennett University, Greater Noida

medical care or treatment. Such treatment may cover all types of medical services, but is most commonly seen in dental care, cosmetic surgery, fertility treatment, et cetera.

The business of medical tourism is seen to be as quite promising. As per the reports of Medical Tourist Association, around 14 million people engage in medical tourism on a global basis<sup>1</sup>, i.e., travel from one country to another for the purpose of seeking some form of medical treatment. This industry is rapidly growing and exhibits promising profits since it is a fusion of two vast industries—medicine and tourism. The combination of the requirements of these two industries poses a great deal for medical tourism around the world, since people around the world travel to foreign countries for the purpose of acquiring medical care and alongside also enjoy the travel benefits that the host countries have to offer.

Nevertheless, if one investigates into the term ‘Medical Tourism’, it may come to seem as incongruous since it is invariably odd to couple two pole opposite concepts of tourism and medicine. While tourism is seen as an activity of voluntary leisure usually perceived as a time for luxurious enjoyment and substitute of the monotony of everyday life away from the frantic impediment that is associated with the normal routine of a person, it indeed stands in stark polarity of hospitalization, medical treatment, and the gloomy and depressing air that is seen in a hospital<sup>2</sup>. In the eyes of normality, these two domains seem to be fairly incompatible with each other as tourism invokes a sense of enjoyment, freedom, and rejuvenation and hospital on the other end invokes feelings of grief, hardships, and trauma. In a utopian world, these two concepts will not mingle with one another<sup>3</sup>. But as bizarre as it may seem to be,

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<sup>1</sup> <https://www.fortunebusinessinsights.com/industry-reports/medical-tourism-market-100681>

<sup>2</sup> Graburn, N. H. (1977). *Tourism: The sacred journey*. In V. L. Smith, *Hosts and Guests* (pp. 17-31). Philadelphia: University of Pennsylvania Press.

<sup>3</sup> Ross. (2001, September 6). *Medical check-ups on the run*. Bangkok Post, Horizons, p. 3.

the medical tourism industry is flourishing and gaining traction due to the fact that consumers who are under insured or do not own any sort of medical insurance in their own country fly to the under developed nations to seek the medical treatment they require and reap the benefits of the law which they may not attain in their own country.

It can be undeniably agreed that Medical Tourism has gained recognition and immense acceptance across the world and is definitely not a recent phenomenon. Furthermore, as per recent reports, it is estimated that by the year 2023, the global market for medical tourism may exceed a figure of 180 billion US dollars since the capability of advantageous patients travelling from their wealthy countries to developing nations which have a booming healthcare framework is increasing rapidly<sup>4</sup>. There are adequate statistics to prove that the medical tourism market is progressing toward great heights. It is also being followed by various citizens around the globe. In a very recent news article dated 28<sup>th</sup> October, 2022, it has been observed that looking at the picture in terms of volume, an estimated number of approximately 23,042 patients accounted for the global market and the same is expected to reach a figure of 70,358 patients by the year 2027 alongside a compound annual growth rate of an augmenting 15% from 2019 to 2027<sup>5</sup>.

Taking in consideration the staggering progress projected by the medical tourism market over the years, is there a possibility that such an industry can hamper the economic growth of both the nations involved namely the host country (the one providing the medical services) and the home country (the resident country of the patient seeking assistance)? Can the so called flourishing global

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<sup>4</sup> <https://www.glasgowinsights.com/events/medical-tourism-market-could-boom-to-180-billion-by-2025/>

<sup>5</sup> <https://knoxreports.com/medical-tourism-market-revenue-to-rise-substantially-owing-to-increasing-end-use-adoption/>

market have an ill-impact on the national healthcare framework of the countries? Further, is of medical tourism ethical and moral in terms of the lawfulness expected by the citizens of a nation?

In this paper, the author has attempted to draw upon the various facets of medical tourism and the challenges it may bring therewith to both the host nation and the home nation, placing special focus on the Indian subcontinent and its role in Medical Tourism vis a vis the legal framework existing in India.

## **2. Why Medical Tourism?**

Before getting into looking at the advantages and disadvantages that are attached to medical tourism, it is essential to have a look at the reasons responsible for medical tourism in the first place.

There are several reasons for the development of medical tourism, although the list not being an exhaustive one. As per various different scholars and compiled by Hall in his work<sup>6</sup>, there are five potential reasons for medical tourism:

- a) For monetary reasons meaning thereby the reduction in the cost of the medical treatment so required by the patient. The patient here chooses to opt for a cross border medical service since the cost of the said treatment is cheaper and more easily and timely available in another country as compared to its resident country. This theory is known as economic cost dimension<sup>7</sup>.
- b) For simultaneous pleasure-seeking reasons meaning thereby

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<sup>6</sup> C. Michael Hall, (2011), "Health and medical tourism: a kill or cure for global public health?", *Tourism Review*, Vol. 66 Iss 1/2 pp. 4 - 15

<sup>7</sup> Milstein, A. and Smith, M. (2006), "America's new refugees – seeking affordable surgery offshore", *New England Journal of Medicine*, Vol. 355 No. 16, pp. 1637-40.

the travel for the purposes of receiving medical is coupled with a vacation. Here, the patient's purpose to visit another country is not solely confined to the seeking of medical care but is also open to gratifying pleasure and undergoing a vacation. This theory is known as the commercial behavior dimension<sup>8</sup>.

- c) Restricted to the immigrants, the activity of medical tourism is done for options none other than familial, cultural, or linguistic reasons. Here, the patients (specifically migrant workers or immigrants in general) return to their place of origin for seeking medical treatment. This theory is termed as non-commercial behavior dimension<sup>9</sup>.
- d) For reasons of legality meaning thereby the medical treatment so demanded by the patient is not legal in their home country. Thus, the patient here would travel to another country for seeking some medical assistance which is legal in a country other than its own. Taking a very recent example, the practice of abortion being criminalized by virtue of an off-late Supreme Court decision<sup>10</sup> overturning the landmark judgement of *Roe v. Wade*<sup>11</sup> in the United States of America, an American woman, if wanting to abort, may choose to travel to countries like India, Australia, Singapore, etc. wherein the practice is legal and feasible. Further, the issues of fertility

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<sup>8</sup> Connell, J. (2006), "Medical tourism: sea, sun, sand and ... surgery", *Tourism Management*, Vol. 27, pp. 1093-100.

<sup>9</sup> Lee, J.Y., Kearns, R.A. and Friesen, W. (2010), "Seeking affective health care: Korean immigrants' use of homeland medical services", *Health and Place*, Vol. 16 No. 1, pp. 108-15.

<sup>10</sup> *vide* *Dobbs v. Jackson Women's Health Organization*, No. 19-1392, 597 U.S. \_\_\_\_ (2022).

<sup>11</sup> 410 U.S. 113 (1973)

and reproduction tourism<sup>12</sup>, stem cell tourism<sup>13</sup>, et cetera would also fall under this category. This theory is termed as regulatory cost dimension<sup>14</sup>.

- e) And last but not the least, for reasons of unavailability of organs required for treatment, meaning thereby that the home country is not able to meet the needs of requirement of the distressed patient. Here, the patient would have to travel across border only to obtain organs that are available for donation. This reason is considered to be problematic since it carries with it some potential illegal and immoral consequences such as organ trafficking<sup>15</sup>.

As pointed out before, these dimensions are indeed not mutually absolute and with the changing trends and needs of the world, the requirements of such tourism may keep on changing. Some other reasons for medical tourism could be demographic dimension, availability of non-conventional and alternative forms of medication like Homeopathy, or many more.

The following part of the paper centrally focuses on the fourth

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<sup>12</sup> Bergmann, S. (2011), "Fertility tourism: circumventive routes that enable access to reproductive technologies and substances", *Signs*, Vol. 36 No. 2, pp. 280-9; Shenfield, F., de Mouzon, J., Pennings, G., Ferraretti, A.P., Nyboe Andersen, A., De Wert, G. and Goossens, V. (2010), "Cross border reproductive care in six European countries", *Human Reproduction*, Vol. 25 No. 6, pp. 1361-8.

<sup>13</sup> MacReady, N. (2009), "The murky ethics of stem-cell tourism", *The Lancet Oncology*, Vol. 10 No. 4, pp. 317-8.

<sup>14</sup> Gilmartin, M. and White, A. (2011), "Comparative perspectives symposium: gender and medical tourism interrogating medical tourism: Ireland, abortion, and mobility rights", *Signs*, Vol. 36 No. 2, pp. 275-80

<sup>15</sup> Bramstedt, K.A. and Xu, J. (2007), "Checklist: passport, plane ticket, organ transplant", *American Journal of Transplantation*, Vol. 7 No. 7, pp. 1698-701; Scheper-Hughes, N. (2003), "Keeping an eye on the global traffic in human organs", *Lancet*, Vol. 361 No. 9369, pp. 1645-8.

dimension of medical tourism which relates itself to the legal facet and how the legal framework of nations is responsible for the surfacing of the medical tourism, specifically India being a party to the tourism activity. We will take a look at how medical tourism occurs due to the medical practices being illegal in the home countries forcing the patient to travel internationally and seek the same for their personal gratification.

## **2.1 Types of Medical Tourism**

Medical Tourism is classified into two types, namely incoming/inbound and outgoing/outbound. While the former kind of medical tourism deals with when the nations act as a receiver of international patients for medical treatment, on the other hand, the latter kind of medical tourism refers to the patient's country of origin which has been left behind for varying reasons. Therefore, taking the example of India, incoming or inbound tourism would be when a foreigner travels to India in order to receive medical care, whereas outgoing or outbound medical tourism, which is the opposite, would mean that patients from India are travelling abroad to seek medical care.

It is only natural that for India or any country for that matter, both kinds of medical tourism would have their pros and cons. As per reports and statistics, India is among the top ten destinations across the world for Medical Tourism<sup>16</sup>.

## **2.2 India as a top-destination for Medical Tourism**

India is definitely one of the most popular destinations for the medical tourism. In fact, India is estimated to become the largest hub for medical tourism wherein the trend started to gain

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<sup>16</sup> James E Dalen and Joseph S. Alpert "Medical Tourists: Incoming and Outgoing Dalen", *The American Journal of Medicine*, Volume 132, Issue 1, 9–10.

momentum from the last decade, and in present day as per latest reports, India sustains about 2 million patients belonging to foreign countries thereby producing a foreign exchange value of 4 billion, annually<sup>17</sup>.

But it doesn't stop here since with the efforts undertaken by the Government of India and specifically the Union Health Ministry (headed by Mr. Mansukh Mandaviya), India is expected to become the No.1 destination for receiving medical care and the forex value is expected to go three times the current generating value. As per the Ministry of Tourism, Bureau of Immigration, the number of foreign tourists visiting India has been on an increase ranging from 4,27,000 in the year 2016, 4,95,000 in 2017, 6,41,000 in 2018, reaching up to 6,97,000 in 2019, but going down to 1,83,000 in the year 2020 due to the COVID-19 pandemic<sup>18</sup>. Although the pandemic has had a negative effect on the medical tourism industry, it is appurtenant to note that the inflow of foreign patients is rapidly increasing again post COVID-19<sup>19</sup>. Further, specific private hospital chains are also seeing a greater influx of foreign patients wanting to receive medical treatment in India<sup>20</sup>.

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<sup>17</sup> Danish Ahmed. "India to emerge as largest destination for medical tourism" *The Times of India*, May 2022. <https://timesofindia.indiatimes.com/blogs/voices/medical-tourism-destination-india/>

<sup>18</sup> Shantanu Nandan Sharma. "Medicine Sans Frontiers: India is gearing up to grab a larger pie of \$80-bn medical tourism market" *The Economic Times*, July 2022. <https://economictimes.indiatimes.com/industry/healthcare/biotech/healthcare/medicine-sans-frontiers-india-is-gearing-up-to-grab-a-larger-pie-of-80-bn-medical-tourism-market/articleshow/92924586.cms>

<sup>19</sup> <https://economictimes.indiatimes.com/industry/healthcare/biotech/healthcare/medical-tourism-sector-getting-back-in-health-with-higher-inflow-of-patients-than-pre-covid-times/articleshow/93089851.cms>

<sup>20</sup> <https://economictimes.indiatimes.com/industry/healthcare/biotech/healthcare/hospital-chains-witness-a-revival-in-medical-tourism/articleshow/89600484.cms>



Thus, it is needless to state that India is on its way to become one of the biggest medical tourism hubs in the world.

### **2.2.1 Why India?**

India being a culture focused country, provides an amalgamation of traditional and modern medical care which makes India unique in the industry. Along with having a world class array of medical professionals and the prices at which the care is being provided is substantially low as compared to the other competing countries of the industry. By incorporating some of the oldest medical practices i.e., AYUSH, India finds itself to be in a position higher than other countries with low cost of medical care as well<sup>21</sup>.

## **3. Legal Aspects of Medical Tourism**

As the medical tourism industry involves a combination of two industries i.e., health and tourism, the legal facet of the same cannot be left behind and becomes extremely important given the fact that it involves participants from two different countries.

### **3.1 Legal Arrangement in India**

As it has been well established hereinbefore that India holds a significantly high position in the medical tourism industry, and that the GOI has been taking significant measures to improve this position, there are certain facilities that have been introduced which corroborate the seriousness of the government to expand the medical tourism industry.

- a) The introduction of medical visas has been extremely helpful in facilitating the spread of medical tourism in India. These

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<sup>21</sup> Garg, D. R., Batra, R., & Banerji, A. (2020). Low Cost, Quality Treatment and Excellent Hospitality Makes India the Best Destination for Medical Tourism. *International Journal of Innovative Research in Medical Science*, 5(01), 10 to 15.

visas cater solely for availing medical services in India along with a requisite of a previous statement from a medical professional stating the need for specialized medical care and is valid for a period of one year<sup>22</sup>. Through the advent of these visas, fraudulent and frivolous requests for medical care can be avoided and thereby a duty is cast upon the hospitals to only receive a tourist if they have applied for such a visa or already possess one. It is quite possible that some people receive medical care with a mischievous intent which could thereof impact the growth and repute of Indian medical facilities altogether. However, in some cases where medical treatment is unforeseen, normal visas can also be converted into medical visas but obviously if it meets the required criteria<sup>23</sup>.

- b) Further, the municipal medical malpractices laws can be applied and invoked in case of need. The Consumer Protection Act, 2019 allows consumers to file a consumer case in case they feel that their services have been unfair or there is a breach in services so provided. In India, a medical provider, medical professional, hospital, etc. all can be sued in case of negligence as per the established rules and precedents.

### **3.2 Legal and Ethical Issues involved**

While there are various benefits of getting treated across borders, the same has its shortcomings. The aggrieved patients have to rely on international law (mainly treaties) and municipal law of the country they have travelled to for seeking medical assistance. The patients travelling across borders to seek medical care go in with an

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<sup>22</sup> <https://www.indiavisa-online.org/india-visa-types/medical-visa;>  
<https://www.ima-india.org/ima/left-side-bar.php?pid=503>

<sup>23</sup> <https://legalformatsindia.com/the-legal-regime-of-medical-tourism-in-india/>

expectation of an above par character and in case there happens to be any setback by the medical care providers, it can go up to costing the patient's life. While there is no doubt that medical professionals are under oath and will naturally provide the highest achievable medical care, the unforeseen and unprecedented possibility of risks attached to medical practice must be borne by the patient beforehand. Moreso, the person travelling from their country of origin might be used to a different legal recourse system than that of the place of destination. This would obviously pose challenges for the aggrieved patient and there might be chances that they do not attain the verdict they expect to due to the different threshold of penalties and adjudication in different jurisdictions. Also, the costs to be borne by the person in case he/she chooses to opt for any legal action may also differ significantly from their country of origin and therefore cause further difficulties<sup>24</sup>. Furthermore, a lack of a uniform and universal legislation or code on Medical Tourism indeed acts as an impediments for the patients in case there occurs any challenge whatsoever. This would automatically mean that the rights, duties, and responsibilities of both the participants i.e., the service providers and the receivers are not all-inclusive and may differ from country to country. Moreover, the lack of uniformity and universality in the area of the kind of medical devices and instruments to be used would inherently obstruct the regulation of any such malpractice and has the capability of creating a havoc across the world. For instance, the infamous PIP (Poly Implant Prothese) breast implant scare that took place in France is considered to be a classic example under medical tourism scandals.

Due to lack of a global regulation in medical tourism, there are high chances of patients travelling to another countries in order to seek a form of medical care which is not legal or acceptable in their country of origin (reason of regulatory cost dimensionas raised

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<sup>24</sup> Storrow, R. F., "Assisted reproduction on treacherous terrain: The legal hazards of cross-border reproductive travel", *Reproductive BioMedicine Online*, 23(.5) (2011): 5

hereinbefore) under which an archetypal illustration is that of surrogacy and abortion. Here, the regulation and determination of any case would entirely depend on the municipal laws of the country where the medical treatment is being sought. In countries like Australia Georgia, etc., the practice of surrogacy is legal, and these countries would definitely receive patients from across borders wherein the practice of surrogacy is altogether prohibited by law (Countries such as Japan, Turkey, China, etc). In the case of India specifically, up until the year 2016, surrogacy tourism was a well-recognized practice. From the period of 2004 to 2010, a fertility clinic named Akanksha Infertility Clinic situated in the state of Gujarat had steered around 200 or more surrogate babies in the world<sup>25</sup> and as per the GOI, it was observed in a study published by the Confederation of Indian Industry that the medical tourism industry (inclusive of surrogacy tourism) is expected to generate 2.3 billion by 2012<sup>26</sup>. Thus, it is established that surrogacy tourism was well practiced and even well received in the Indian subcontinent. However, such practices were put to a halt in 2016, when the practice of surrogacy was banned in India owing to the Surrogacy Regulation Bill which later became an act in the year 2021. Therefore, as of now, Indians living overseas, citizens of other countries, unmarried couples, single parents, same-sex couples do not have a choice for opting surrogacy in India. Thus, while in the year 2002, India legalized the concept of surrogacy with an aim to promote medical tourism, the current legal framework in India, which was previously receiving patients across borders for surrogacy, has now forced its citizens (who wish to opt for surrogacy) to travel to foreign countries where surrogacy is a legal practice.<sup>27</sup>

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<sup>25</sup> <https://www.motherjones.com/politics/2010/04/surrogacy-tourism-india-nayna-patel/>

<sup>26</sup> Bhowmick, Nilanjana. 2013. "Why People Are Angry about India's New Surrogacy Rules." *Time*, February 15. Accessed March 3, 2017. <http://world.time.com/2013/02/15/why-people-are-angry-about-indias-new-surrogacy-laws/>

<sup>27</sup> The author of this paper does not intend to promote cross border surrogacy or any form of surrogacy as a practice

It is noteworthy to mention that surrogacy tourism indeed gives rise to varied number of ethical issues such as in nationality of child born, rights of child, theory of treating the child as an object, et cetera<sup>28</sup>. For instance, in the United Kingdom, for legal recognition of the baby, there is no mandate for adoption, whereas in Belgium, adoption is mandatory for the same<sup>29</sup>. Nevertheless, it has been observed that medical tourism gives rise to various other ethical issues as well such as negative effect on the care provided to local residents of the country. One of the most cited ill-effects of medical tourism is that it would invariably lead to a degradation in the quality of care received by the citizen nationals of the host country<sup>30</sup>.

Another case is that of abortion tourism which would be similar to surrogacy tourism except that herein, the patients choose to opt for abortion practice. After the infamous criminalizing of abortion in the USA, it is natural that women would travel cross borders to countries which do not prohibit abortion as a practice<sup>31</sup>. As per a recent news report, it was seen that a US national chose to opt for abortion soon after a week of overturning of *Roe v. Wade*<sup>32</sup> by travelling across borders<sup>33</sup>. Further, after another such instance of abortion tourism in the country of Malta by a US citizen has led to

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<sup>28</sup> T A, Binoy. (2018). AN EVALUATION OF SURROGACY TOURISM IN INDIA. *International Journal of Current Research* Volume 10, Issue 02.

<sup>29</sup> Crockin SL. Growing families in a shrinking world: legal and ethical challenges in cross-border surrogacy. *Reprod Biomed Online*. 2013 Dec;27(6):733-41

<sup>30</sup> Wahed, H. (2015). Ethical and Legal Issues in Medical Tourism. *IJUM Law Journal*, 23(2); <https://journals.iium.edu.my/iiumlj/index.php/iiumlj/article/view/130/161>

<sup>31</sup> <https://news.bloomberglaw.com/health-law-and-business/abortion-travel-bans-emerge-as-next-frontier-after-roes-end>

<sup>32</sup> *supra* note 11

<sup>33</sup> See <https://www.vice.com/en/article/m7gx4v/abortion-missouri>

the authorities of Malta considering an application for a potential ban on abortion<sup>34</sup>.

It was also seen that a mega number of citizens in USA protested the decision of the Supreme Court in snatching away the woman's constitutional right to abortion<sup>35</sup>. However, again, such international travel (from countries that prohibit abortion) to avail abortion services in countries where it is legal to do so would give rise to multiple legal and ethical challenges and is definitely not the principled way out<sup>36</sup>. In the case of India specifically, unlike surrogacy, abortion up to 20 weeks is legal and allowed for foreign nationals as well.<sup>37</sup>

#### **4. Conclusion**

Medical tourism is a blend of two industries and refers to when a person travels across borders in order to avail medical services. It allows for quicker access to medical care and enables people the chance to get high-quality care that is not offered in their native nations at a lesser cost. The reasons for opting for Medical Tourism are manifold and have been discussed in the paper.

This industry is a growing one and has several benefits for the populace of both the countries i.e., host and receiver. India is predicted to continue to rise in popularity as one of the world's top destinations for medical tourists and is capable of becoming the largest hub for such kind of tourism.

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<sup>34</sup> <https://www.france24.com/en/live-news/20220630-malta-to-review-application-of-abortion-ban-after-us-tourist-case>

<sup>35</sup> <https://www.nytimes.com/live/2022/06/24/us/roe-wade-abortion-supreme-court>

<sup>36</sup> ALYSON O'DANIEL, ELIZABETH ZIFF "International Travel to Access Abortion Is a Global Health Problem—Not a Solution" *Ms Magazine* (2022); <https://msmagazine.com/2022/06/03/international-travel-abortion-access/>

<sup>37</sup> the author of this paper does not intend to promote cross border abortion

However, the concept of medical tourism does not attach itself to any concrete, written, codified, or a uniform and universal law which is the reason it gives rise to various legal and ethical issues which have also been discussed thoroughly in the paper. By way of a uniform code or well established written international rules, the malpractices, legal and ethical issues can be controlled well within requirements. Therefore, as of present day, however beneficial medical tourism might be, a uniform code for the regulation of the same is the need of the hour to tackle the legal and ethical consequence it brings with itself.

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