

Human Cloning: A Socio-Legal Study

Kausal Pratap Singh*

Faculty of Law, Meerut College, Meerut, U.P., India

E-mail: kpsinghllm@gmail.com

Abstract

The creation of Dolly's sheep using this technology by the Englishman Ian Wilmut and his scientific colleagues in 1998 was a breakthrough in science and technology. Scientists have synthesized complex elements such as genes and cells for many years. Still, the herd's success has prompted researchers to try 'human cloning,' which technically includes the most controversial topic in the world. Human Cloning is a new term; Cloning refers to a scientific method that involves creating a genetic replica of an animal or an existing person. Somatic Cell Nuclear Transfer (SCNT) is used in human cloning. It is a process by which the nucleus of a fertilized egg is replaced by a somatic cell nucleus (the nucleus of an adult cell), either a nucleus from an ovum donor or a nucleus from another human cell. This paper aims to describe human cloning and some issues surrounding cloning, the importance of human cloning for human beings, and some legal implications.

Key Words: Human Cloning, Human rights, Religious and Ethical issues.

PAPER/ARTICLE INFO

RECEIVED ON: 16/10/2021

ACCEPTED ON: 13/11/2021

Reference to this paper
should be made as follows:

Singh, K.P. (2021), "Human Cloning: A Socio-Legal Study", *Int. J. of Trade and Commerce-IIARTC*, Vol. 10, No. 2, pp: 302-307

*Corresponding Author

DOI: 10.46333/ijtc/10/2/8

1. Introduction

Human Cloning is often spread to produce offspring for an infertile couple. It is called reproductive cloning. It allows them to have their biological offspring. However, bringing people together is not always possible to produce offspring but is also a scientific tool. This type of cloning is often referred to as "Therapeutic Cloning." Therapeutic cloning is used to replace a damaged organ or tissue in humans. Scientists who practice cloning say it presents a unique way to study genetic mutations in cells found in patients with Parkinson's disease, diabetes, etc.

Legislatures worldwide are at a loss as to whether or not to integrate people properly or adopt appropriate oversight regulations? Some countries have completely banned the practice of human embedding in the same way. In contrast, others like the United Kingdom and China have banned reproductive cloning but allow therapeutic cloning. The unification debate includes scientists, lawyers, religious leaders, philosophers, and international organizations. Bringing people together raises several legal and ethical issues for which there are no known answers. Frequently asked questions are about the identity and personality of the cloned human being, the importance of having children, the difference between procreation and manufacture, and the intergenerational relationships. While issues of legitimacy may be resolved one day, the ethical and philosophical issues attached to them may not be answered, only when?

2. Research Methodology: The methodology adopted in this research paper is doctrinal. The matter for the work has been collected from both primary and secondary sources. The evaluative and descriptive method has been used.

3. Meaning of Cloning

The word cloning is confusing, as it can refer to various processes. It is well-known that many plants can combine, and they may have done so since the beginning of life. The Genetics Advisory Commission (HGAC) and the Authority for Fertilization and Embryology (HFEA) report defines it as producing a cell or organism with a nuclear genome as another cell or organism. This definition assumes that the entire human genome is copied in this type of cloning. However, this is not entirely true because when Dolly was created, she acquired geocentric material in the parental nucleus and a small amount of DNA present outside the cell nucleus. Each and this time, it comes from the donor egg. Thus the definition of cloning used in the above report was not entirely accurate; it must be revealed.

According to the *Inter-Academy Panel*, cloning an organism usually involves somatic cell transfer. The nucleus of an egg cell is removed and replaced with a nucleus of a somatic cell taken from an adult's body. If the egg cell is regenerated and successfully stimulated to become firm, it can develop into the pre-blastocyst stage. In reproductive cloning, a combined blastocyst is inserted into a woman's uterus and allowed to continue growing until birth. However, in Cloning for therapeutic purposes, instead of being implanted in the uterus, the cloned blastocyst is transformed into tissue culture to form a line of stem cell research or clinical use.

3.1 Kinds of Cloning

There are three kinds of cloning.

1. Reproductive Cloning
2. DNA Cloning (Recombinant DNA Technology)

3. Therapeutic Cloning.

3.2 Importance of Human Cloning

The promoters of human therapeutic cloning believe that this practice may provide the same genes for the stimulant drug and that tissues and organs will not cause an immune response or need to use antibodies that suppress the immune system. Both basic research and the development of therapeutically of severe ailments such as cancer, heart disease, and cosmetic surgery and cosmetic surgery are areas that could benefit from this new technology. Cloned can also help couples who are infertile due to lack of gamete. It can provide more available than donating an embryo. When a male partner lacks gametes, the team may prefer cloning rather than donating sperm. If the husband was the source of the DNA and the wife donated the egg that received the nuclear transfer and raised the embryo, they would have biologically related offspring and not rely on an unknown or embryonic gamete donor. Cloning may be used to help a couple create an image of a dying child so that the child can continue to live in a closely related way. It can obtain a sufficient number of embryos for transmission and pregnancy. Cloning has been adopted as a liberating technology, paving a new family structure. It helps same-sex couples achieve their goal of natural descent. The inability or unwillingness to have sex should not prevent people from enjoying their procreative freedom, including a right.

4. Legal and Political Issues

The legal status varies from country to country. There are laws against human Cloning in Spain, Germany, Canada, Denmark, England, Norway, and the U.K. France promises to make such a law if anyone tries to impersonate a person. Personal cloning is illegal, however, in the United States. Currently, there are restrictions on research that could lead to human embryonic development, and there should be no government funding for embryo research.

Federal laws governing people's use in research also apply to human cloning. In the institutional review boards (IRBs) and institutional committees (such as universities), research is conducted to enforce laws against human cloning. Federal law also states that any clinics that use assisted reproduction techniques should be monitored. There are also regulations about the amount of deception performed on eggs or embryos. There is also the controversy over others about the wrong way of life. "The idea of an" immoral life "is simply that a baby is harmed and mistreated by birth under unsatisfactory conditions or adverse circumstances, in this way and the American tradition and goodness.

5. Religious Issues

Most religious scholars who advocate social inclusion policies propose a ban or restrictive regulations. Their views are very different; not all religions have the same view of human cloning. Many leaders of other religious cultures in the U.S. say they are uncomfortable with this idea. Some say that "human cloning is a pre-existing concept." Some say that their society does not trust science. Native American Abraham Kahikina Akaka noted that the indigenous peoples who feel that their "species" are endangered might accept cloning. Identifying the best of their race may be a blessing in disguise. They think that a cloned child "will not be a product of love, but a scientific process." They also ask if this new person will have a soul or not. Orthodox Christians also ask that "if genes from other animals were to be implanted in a person's DNA, would that make the

resulting offspring impersonal?" Fr. Stanley Samuel Harakas stated that "mixing human DNA with animal DNA would be more than just 'playing God.' It would be 'Playing the Devil.'" A significant argument with African Americans is, "Can we trust science? Marian Gray Secundy, professor and director of the Clinical Ethics Program at Howard University, stated: "Racial Americans are suspicious and distrustful of any new scientific technology. . . . Can we give a copy of the benefits to those who are born naturally? I can hope so. "Buddhist and Hindu traditions feel that our priorities are not compatible. **Acharya Palaniswami** said," Most Hindu religious leaders are less concerned with moral issues, and the tragedy of human cloning is an absolute necessity. Why did they do this, they asked again and again. Will it help if we have those things? Human bodies? Will personal inner knowledge be improved? They do not think so. "The Islamic view, similar to that of the African Americans, states that society is not ready for this kind of new technology.

6. Ethical and Moral Issues

The most significant moral opposition to cloning is that people may be unnecessarily harmed during or after birth. "John Stuart Mill saw the existence of children without the hope of receiving adequate physical and mental support as an act of senseless crime." A recent American vote following Dolly's announcement showed that two-thirds of people found morality unacceptable, while 56% said they would not eat the meat of an animal included⁹. Behavioral considerations of this new technology are based on the potential risk to individuals and potentially human beings. Many fear that he may lose his sense of identity and individuality. There are also concerns about reducing or degrading the family's standard of living. There are many applications for human dignity; Questions arise when human dignity is threatened. Such questions are like: "Whose dignity is being attacked and how?"; "Is it the repetition of a large part of the genome that should create an attack on human dignity?"; "In that case, we might rightly ask how the presence of another twin threatens the dignity of the natural twin."

7. Legal Position

Several countries have voiced the need for immediate legal action to prevent humancloning. Different countries have adopted different views on reproductive Cloning and Therapeutic Cloning.

7.1 Legal Position in United States of America

In this way, many bills have been introduced in the senate and the house regarding cloning, but none of them have been converted into law. Many other U.S. states such as California, Arkansas, Iowa, Michigan, Dakota, Virginia, New Jersey, and South Dakota have passed laws prohibiting reproductive cloning and preventing the use of public research funds in the area of human cloning.

7.2 Legal Position in UK

The situation in the U.K. is uncertain. Currently, therapeutic cloning is allowed, and this procedure is called 'Cell Nucleus Replacement' (CNR) treatment, and reproductive cloning is prohibited. This feature has put the U.K. in a technologically and scientifically advanced position and a much more favorable position than the U.S., where the level of justice tends to prevent

cloning of any kind. Other laws are in place to address this issue: Human Tissue Act 1961, Human Organ Transplantation Act 1989, and Human Fertilization and Embryology Act 1990.

7.3 Legal Position in India

In India, the government has officially banned human cloning. The Department of Biotechnology has banned any research on human cloning. It also sets out specific guidelines that allow research into Stem Cell biology with adequate safety measures.

7.4 Position in United Nations

In 1997, UNESCO issued a Universal Declaration on Human Genome and human rights that provided practices contrary to human dignities, such as incorporating human reproduction, would not be tolerated. On December 12, 2001, the United Nations launched a series of international treaties against human cloning. A broad coalition of provinces including Spain, Italy, the Philippines, the United States, Costa Rica, and the Holy See sought to extend the debate to curb all forms of Human Cloning, noting that, in their view, therapeutic human cloning of medicine violates human dignity. of man. Costa Rica has called for the adoption of an International Conference on the Elimination of All Forms of Human Hypocrisy. We were unable to reach a binding agreement in March 2005. United Nations a non-binding Declaration on Human Cloning calling for the ban of all forms of human cloning contrary to human dignity, was finally adopted. The declaration solemnly affirms the following: -

1. Member States are called upon to take all necessary measures to protect the individual's health from life sciences.
2. They are requested to refrain from all forms of human exploitation as they are inconsistent with human dignity and the protection of human dignity.
3. They are also urged to take necessary steps to prevent genetic engineering techniques that may be out of touch with human dignity.
4. They are urged to take all necessary steps to prevent the exploitation of women in the use of life sciences.
5. They are also requested to adopt and implement without delay the national legislature to implement the above.

8. Conclusion

After completing the study, I found that it is a discovery in the field of medical science which is more beneficial for people. But due to social, ethical, or religious issues, there is a ban on this new development of medical science. However, the time is appropriate to consider what kind of policy is required to regulate the use of technology and prevent undue commercial exploitation of the process. Firstly, the question for consideration is whether state intervention is needed? The obvious answer is "Yes" because cloning, while enhancing the rights of a few who take the risk to exercise their procreative liberty, the lives of many others may be affected, including that of clone, in a practical sense, rights and the interest of the majority should prevail. The ultimate aim of legal intervention should be to prevent misuse of the technology. A complete ban on cloning research would be futile as analysis is seldom stopped on account of law. Biotechnology companies are bound to find loopholes in any rigid law enacted. Even if the ban is successfully enforced, it will pre-empt any possibility of tapping on the benefits of cloning. So, it is submitted

that regulation, not prohibition, maybe the answer. The regulation should not be time-bound or too specific and should give room for a cooperative strategy by the regulatory authority with the research teams. Every new idea is ushered by disbelief and initially dismissed as hearsay, right from ancient times. But sooner or later, once its belief is established, it is seldom questioned.

References

Article and Research Papers

- [1] Kumar Ajay, (2010). Human cloning:a socio-legal and ethical appraisal. Notes and comments, Journal of Indian law Institute, 52, pp: 93.
- [2] Arsanjani Mahnoush H., (2006). Negotiating the U.N. declaration on Human Cloning (Current developments). The American Journal of International Law, 100, 164-165
- [3] D. Butter and M. Wadman, (1997). Call for cloning Ban Sells Science Short. 386 Nature 8
- [4] Andrea L. Bonnicksen, (1997). Procreation by Cloning: Drafting Anticipatory Guidelines. 25 Journals of Law, Medicines & Ethics 276.
- [5] John A. Robertson,(1998). Human Cloningand the Challenge of Regulation. 339 New Eng J Med 120
- [6] Logston, Amy (January 1, 1999), The Ethics of Human Cloning. available at www.facweb.stvincent.edu/academic/religiousstu/writing/longston1.html.
- [7] Ian Wilmut, (1998). The uses and ethics of cloning in David Calhoun(ed). Britannica Book of the Year: Events of 1997.
- [8] Yadav, Sachdev (2011). Human Cloning: Perspectives, ethical Issues and Legal Implications (Review Article). International Journal of Pharma and Bio Sciences, 2 (1)

Book

- [1] Menon Anila V. (2007). Human Cloning: Legal and Ethical Dimensions, The Icfai University Press, Hyderabad, India.

Websites

- [1] www.google.com
- [2] www.bioethics.gov
- [3] <http://www.un.org/law/cloning/UnitedNations>
- [4] www.usccb.org