

FROM COMMERCIAL NEXUS TO ALTRUISTIC IMPERATIVE: THE LEGAL EVOLUTION OF SURROGACY IN INDIA

AUTHOR – HARSHITA CHOUBEY & AVIJIT SHUKLA, ASSISTANT PROFESSORS FROM SCHOOL OF LAW AND PUBLIC POLICY, AVANTIKA UNIVERSITY, UJJAIN (M.P.)

BEST CITATION – HARSHITA CHOUBEY & AVIJIT SHUKLA, FROM COMMERCIAL NEXUS TO ALTRUISTIC IMPERATIVE: THE LEGAL EVOLUTION OF SURROGACY IN INDIA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (11) OF 2025, PG. 09-17, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract

This paper presents a detailed and humanized legal analysis of surrogacy in India, examining its historical development and the subsequent formulation of a statutory regime under the Surrogacy (Regulation) Act, 2021. It traces the shift from an unregulated commercial surrogacy framework to a statutorily governed altruistic model, reflecting the Indian legislature's intent to uphold ethical standards, safeguard reproductive rights, and prevent exploitation. Through a doctrinal review of judicial interventions and statutory provisions, the paper evaluates the strengths of the legal framework, particularly its protective intent and emphasis on ethical surrogacy practices, as well as its limitations, including exclusionary eligibility criteria and the risk of unintended consequences such as the emergence of underground arrangements. The analysis further contextualizes India's legal approach through a comparative assessment of international surrogacy laws and offers insights for potential policy reform. In final analysis, the study makes the case for a more equitable and inclusive regulatory framework that upholds the welfare and dignity of all parties concerned, supports reproductive autonomy, and is consistent with constitutional principles.

Keywords: Surrogacy India, Commercial Surrogacy, Altruistic Surrogacy, Reproductive Rights, Legal Framework, Ethical Concerns, Judicial Interventions, Comparative Law, Policy Implications, Reproductive autonomy.

Introduction

Surrogacy, a profound arrangement wherein one woman carries a pregnancy for another individual or couple, is a practice deeply embedded in human history, extending far beyond the realm of modern medical technologies. In India, this practice carries an especially intricate and often poignant narrative. While contemporary assisted reproductive technologies (ARTs) have redefined the boundaries of parenthood, the concept of alternative childbearing finds its roots in ancient Hindu mythology, which acknowledges diverse forms of caregiving and familial bonds beyond strictly biological definitions.

For instance, the birth of Kartikeya, the war god

and son of Shiva, involved divine sparks incubated in the Ganges and nurtured by six celestial mothers known as the Kritikas, symbolizing early recognition of non-traditional parenting with multiple maternal figures. Similarly, Krishna was born to Devaki and Vasudeva but was raised by Yashoda and Nanda, exemplifying cultural acceptance of caregiving outside of biological ties. Another example is Kunti, who, through a divine boon, invoked various gods to conceive the Pandavas, highlighting the ancient recognition of assisted conception and intentional parenthood¹. This historical continuity underscores the timeless and universal human aspiration to build a family, often transcending rigid biological or social constructs.

¹ Wendy Doniger, *The Hindus: An Alternative History* (Penguin Books 2009).

The early 2000s marked a pivotal era for India, which rapidly emerged as a global epicentre for commercial surrogacy. This growth was driven by a robust medical infrastructure, skilled professionals, and significantly lower costs compared with Western countries. For many international couples, India became a beacon of hope. However, this rapid and largely unregulated growth created both economic opportunity and serious ethical complexity and legal uncertainty. Concerns began to emerge regarding the rights and welfare of surrogate-born children and, more critically, the potential exploitation of economically vulnerable women. The human stories behind these arrangements, stories of hope, desperation, and often profound vulnerability, commanded urgent attention.

India's legal response evolved significantly from a permissive environment to a tightly regulated altruistic model. This transformation was shaped by landmark judicial interventions, legislative deliberations, and growing public awareness of ethical implications. A major turning point in this ethical and legal process is the passage of the Surrogacy (Regulation) Act, 2021, which reflects a larger social awareness of the obligations and limitations of reproductive science.

This article adopts a doctrinal legal research technique, focusing on the examination of statutory provisions, judicial decisions, policy instruments, and scholarly literature concerning surrogacy regulations in India. It seeks to analyze the current legal system critically, consider its applicability in real-world situations, and determine if it complies with worldwide best practices and constitutional principles. Additionally, to pinpoint normative gaps and possible reform paths, the report provides a comparative analysis of surrogacy legislation in a few chosen nations.

The objective is to propose a more coherent, equitable, and rights-based legal approach that ensures regulatory clarity while safeguarding the interests of all stakeholders involved in the surrogacy process.

Historical Genesis: India's Ascent as a Global Surrogacy Destination

India began its journey with assisted reproductive technologies (ARTs) in 1978 when the nation's first test-tube baby, Kanupriya Agarwal (popularly known as Durga), was born in Kolkata. This event signified a major breakthrough in the field of reproductive science in the country. By 1994, India witnessed its first recorded surrogacy birth, signaling an early but understated development in what would later become a complex and expansive industry.

The early 2000s marked a turning point, as India rapidly emerged as a global center for commercial surrogacy. This emergence was facilitated by a combination of socio-economic drivers, advanced medical capabilities, and the absence of a comprehensive regulatory framework. In 2002, a pivotal development took place when the Indian Council of Medical Research (ICMR) released non-enforceable guidelines that indirectly endorsed commercial surrogacy. This change in policy, along with active promotion by the Ministry of Tourism and the Ministry of Health to boost medical tourism, created favorable conditions for the rapid expansion of the surrogacy industry. Visa regulations were liberalized for foreign nationals seeking reproductive services, contributing to a surge in international clients. India's appeal was rooted in several interrelated factors, including its cost-effective procedures, skilled ART professionals, and advanced medical infrastructure.

The exponential growth of the commercial surrogacy sector was driven by the following factors:

- **Medical Tourism Policies:** The government actively promoted India as a destination for fertility treatment, easing visa procedures and encouraging foreign participation through targeted campaigns.
- **Affordability:** Surrogacy services in India were significantly less expensive than in many

Western countries, often costing one-fifth to one-tenth of international rates.

- **Medical Expertise and Infrastructure:** The country offered world-class medical facilities and a robust pool of specialists in ARTs.
- **Regulatory Laxity:** The absence of binding legislation allowed clinics and intermediaries considerable operational freedom, contributing to the unregulated expansion of the industry.

However, the sector's rapid growth soon revealed significant ethical and legal challenges:

- **Commodification of Women's Bodies:** Critics contended that commercial surrogacy risked reducing women to reproductive instruments, commodifying their bodies in transactional arrangements.
- **Exploitation of Economically Vulnerable Women:** A considerable number of surrogate mothers were from underprivileged backgrounds, lacking sufficient bargaining power or access to legal safeguards. This led to exploitative practices, poor working conditions, and minimal financial remuneration.
- **Deficient Informed Consent:** Many surrogates were either not fully informed or only partially aware of the medical, legal, and psychological ramifications involved in the surrogacy process.
- **Legal Uncertainty Regarding Parentage and Citizenship Concerning the Child:** Cross-border surrogacy frequently gave rise to complex disputes related to the nationality, parentage, and legal status of the child. The landmark case of *Baby Manji Yamada v. Union of India*² underscored the urgent necessity for comprehensive legislation to resolve such conflicts.

By the mid-2010s, India's commercial surrogacy market had evolved into a multi-million-dollar industry. However, growing judicial concern, civil

society advocacy, and international scrutiny catalyzed a policy shift. This progression ultimately led to the introduction of the Surrogacy (Regulation) Act, 2021, aimed at replacing the previously unregulated commercial system with an altruistic model rooted in ethical principles and a rights-based approach.

Legislative Framework: The Surrogacy (Regulation) Act, 2021

The Surrogacy (Regulation) Act, 2021 represents India's most comprehensive legislative response to the evolving and often controversial practice of surrogacy. Enacted with the objective of regulating surrogacy procedures, protecting the rights of all parties involved, and curbing commercial exploitation, the Act transitions India from a largely unregulated system to a tightly controlled altruistic surrogacy model.³

1. Ban on Commercial Surrogacy: The Surrogacy (Regulation) Act explicitly bans all forms of commercial surrogacy. It declares any financial gain or benefit provided to the surrogate mother, apart from the reimbursement of medical costs and insurance, as unlawful. This restriction is rooted in the intention to prevent the commercialization of women's reproductive abilities and to protect vulnerable women from potential exploitation.

2. Promotion of Altruistic Surrogacy: Under the Act, only altruistic surrogacy is permitted. It requires that the surrogate mother be a close relative of the intending couple and be motivated solely by compassion and emotional support, rather than financial gain. This shift is intended to preserve the moral integrity of surrogacy and ensure it remains a non-commercial, familial arrangement.

3. Eligibility Criteria for Intending Couples: The Act lays down strict conditions for those seeking to pursue surrogacy. The intending

² *Baby Manji Yamada v. Union of India*, (2008) 13 SCC 518, available at <https://indiankanoon.org/doc/854968/>.

³ *Impact of the New Surrogacy (Regulation) Act, 2021 on Surrogacy Arrangements in India*, AK Legal (n.d.), <https://aklegal.in/impact-of-the-new-surrogacy-regulation-act-2021-on-surrogacy-arrangements-in-india/> (last visited June 12, 2025).

couple must:

- Be Indian citizens,
- Be legally married for at least five years, and
- Obtain a certified diagnosis of infertility.

Additional age-related criteria apply:

- The wife must be between 23 and 50 years of age,
- The husband must be between 26 and 55 years of age.

These eligibility restrictions effectively exclude single individuals, LGBTQIA+ persons, and couples in live-in relationships, raising serious concerns about discrimination and the denial of reproductive autonomy.

4. Eligibility Criteria for Intending Couples:

The Act lays down strict conditions for those seeking to pursue surrogacy. The intending couple must:

- Be Indian citizens,
- Be legally married for at least five years, and
- Obtain a certified diagnosis of infertility.

Additional age-related criteria apply:

- The wife must be between 23 and 50 years of age,
- The husband must be between 26 and 55 years of age.

An important development occurred through the Surrogacy (Regulation) Amendment Rules, 2023, wherein the government introduced the category of "couple of Indian origin." This amendment clarified that Overseas Citizens of India (OCIs) who otherwise meet the eligibility criteria are permitted to avail altruistic surrogacy in India. This inclusion is significant, as it expands access to Indian-origin couples residing abroad, aligning the law with the needs of the global Indian diaspora.

5. Certification Requirements: The Act mandates two key procedural documents–

- **Certificate of Essentiality:** This certificate is granted by the designated authority and mandates three key requirements: a certified diagnosis of infertility, proof of insurance coverage for the surrogate mother, and a court order that legally affirms the intending parents' custody and parentage of the child.

- **Certificate of Eligibility:** Mandatory for both the intending couple and the surrogate mother, this certificate confirms adherence to all legal conditions, including criteria related to age, marital status, and previous reproductive history.

These documents serve as critical safeguards to ensure legitimacy and legal accountability in surrogacy arrangements.

6. Regulatory Authorities: The Act establishes a multi-tiered system of regulatory bodies:

- **National and State Surrogacy Boards:** These boards are responsible for formulating policy, ensuring ethical oversight, and conducting regular monitoring of surrogacy practices across the country.

- **Appropriate Authority:** This authority is empowered to grant or cancel registration of surrogacy clinics, enforce compliance with the Act, conduct inspections, and adjudicate violations.

Together, these bodies are intended to institutionalize transparency, ethical compliance, and oversight in all surrogacy-related procedures.⁴

7. Legal Parentage and Child's Rights:

Under the Act, a child born through a lawful surrogacy arrangement is recognized as the biological and legal child of the intending couple from the moment of birth. Furthermore, once the child turns 18, they have the right to obtain information about their surrogacy background, acknowledging the significance of

⁴ G. Narayan & H. Mishra, *The Surrogacy Regulation Act of 2021: A Critical Analysis*, PMC (2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10199460/> (last visited June 20, 2025).

identity, transparency, and informed consent in adulthood.

8. Amendment on Permissibility of Donor Gametes in Surrogacy: A significant development occurred in February 2024 when the Indian government amended the Surrogacy (Regulation) Rules, 2022 to permit the use of donor gametes in specific circumstances. According to the amendment, a married couple may now use an egg or sperm from a donor if one partner is medically certified to require it due to a diagnosed condition.

This change reverses a March 2023 rule that completely prohibited the use of donor gametes and had been legally challenged on constitutional grounds. However, the revised rule continues to prohibit surrogacy where both partners are medically unfit to contribute gametes. In the case of divorced or widowed women opting for surrogacy, the amendment mandates that the woman must use her own eggs, with donor sperm being permissible. This clarification represents a nuanced, though still restrictive, approach to the use of assisted reproductive technology within the legal framework.

Constitutional and Ethical Dimensions of Surrogacy Regulation in India

Beyond the statutory framework established by the Surrogacy (Regulation) Act, 2021, the regulation of surrogacy in India raises pressing ethical and constitutional questions. The law compels the legal system to confront core issues of bodily autonomy, human dignity, and the definition of family, particularly in light of India's constitutional guarantees under Article 21, which protects the right to life and personal liberty.⁵

1. Commodification and Human Dignity: A key ethical concern associated with commercial surrogacy has been the potential commodification of women's reproductive capacities. The Surrogacy (Regulation) Act 2021

directly addresses this issue by explicitly prohibiting commercial surrogacy. By permitting only altruistic arrangements, the legislation aims to uphold the dignity of surrogate mothers and safeguard them from being exploited as mere means of reproduction.

2. Reproductive Autonomy and Constitutional Limits: While Article 21 has been judicially interpreted to include reproductive autonomy, this right is not absolute. Courts have repeatedly sought to balance personal liberty with broader societal interests. For instance, in *B. K. Parthasarathi v. Government of Andhra Pradesh*⁶, the Andhra Pradesh High Court recognized reproductive autonomy as part of the right to privacy. Conversely, in *Javed v. State of Haryana*⁷, the Supreme Court upheld restrictions on the right to procreate, ruling that personal liberties may be reasonably curtailed in the public interest. These decisions underscore the judiciary's attempt to mediate between individual rights and collective welfare in the domain of reproductive law.

3. Protection of Surrogate Mothers: The surrogate mother is often the most vulnerable party in the surrogacy arrangement. The Surrogacy (Regulation) Act 2021 seeks to mitigate this vulnerability by imposing specific eligibility criteria, requiring the surrogate to be a close relative of the intending couple, legally married, and the biological mother of at least one child. These measures aim to prevent financial exploitation and reinforce the altruistic nature of the practice. However, such stringent conditions considerably narrow the pool of eligible surrogate mothers, potentially creating significant barriers for intending couples in accessing surrogacy.

4. Child-Centric Legal Reforms: Prior to the enactment of the 2021 Act, children born through surrogacy often found themselves in legal limbo, particularly in cross-border cases

⁵ Nazuk Sood, *Surrogacy (Regulation) Act, 2021: A Critical Analysis*, 9 Int'l J. Novel Res. Dev. 557 (May 2024), available at <https://www.ijnrd.org/papers/IJNRD2405559.pdf> (last visited June 8, 2025)

⁶ *B.K. Parthasarathi v. Government of Andhra Pradesh*, AIR 2000 AP 156, available at <https://indiankanoon.org/doc/708608/>.

⁷ *Javed & Ors. v. State of Haryana*, AIR 2003 SC 3057, available at <https://blog.ipleaders.in/javed-v-state-of-haryana-2003-case-analysis/> (last visited June 20, 2025).

where questions of citizenship, parentage, and guardianship arose. The Act addresses this concern by granting the intending couple legal parentage from birth and includes a progressive provision allowing the child to know their origins upon attaining the age of eighteen. This shift aligns with emerging international norms on children's identity rights.

5. Exclusionary Provisions and Equality

Concerns: Despite its protective intentions, the Act has drawn significant criticism for its **exclusionary eligibility criteria**. By limiting access to married, heterosexual Indian couples, it effectively excludes single parents, LGBTQIA+ individuals, and couples in live-in relationships. Such exclusion raises constitutional concerns, particularly under Articles 14 and 15, which guarantee equality and prohibit discrimination on the basis of sex and other grounds. Critics argue that these provisions reflect a narrow and outdated conception of family and violate the principle of equal access to reproductive technologies.

Empirical research by Rozée, Unisa, and de La Rochebrochard (2019)⁸ offers a nuanced perspective on the motivations of Indian surrogates. Their findings revealed that many viewed surrogacy as a calculated decision within their socio-economic realities, a means to achieve specific financial goals. This suggests that while commercial surrogacy posed risks, blanket bans may not fully capture the complex and often agency-driven experiences of the women involved. The Surrogacy (Regulation) Act, 2021 represents an effort to address long-standing ethical lapses and legal ambiguities in surrogacy practices. However, its restrictive framework also raises new constitutional dilemmas. The challenges of balancing reproductive autonomy, gender equality, and child protection remain ongoing. A more inclusive and context-sensitive legislative approach may be required to ensure that the

law reflects not only ethical ideals but also the lived realities of those it seeks to govern.

Comparative Perspectives on Surrogacy Law in Global Jurisdiction

Examining surrogacy laws across different jurisdictions reveals a spectrum of approaches, ranging from outright prohibition to highly regulated commercial models. A comparative analysis offers valuable insights into the strengths and weaknesses of India's current altruistic framework.

- **United Kingdom:** The United Kingdom operates under an altruistic surrogacy framework, comparable to the model introduced by India's Surrogacy (Regulation) Act, 2021. Commercial surrogacy is expressly prohibited, and surrogacy agreements are not legally enforceable. However, the UK adopts a more progressive and inclusive approach by allowing single individuals and same-sex couples to engage in surrogacy, subject to the granting of a parental order by the court following the child's birth. This reflects a balanced legal approach that upholds the altruistic nature of surrogacy while recognizing and accommodating diverse family structures.

- **United States:** The United States offers a varied legal landscape regarding surrogacy, with laws differing substantially across states. States such as California have developed comprehensive legal frameworks that permit and regulate commercial surrogacy, providing clear contractual protections for all parties involved. This regulatory clarity has positioned the U.S. as a preferred destination for international intending parents pursuing commercial arrangements. In contrast, some states prohibit commercial surrogacy or lack specific legislation, resulting in a fragmented and inconsistent regulatory environment nationwide.

- **Canada:** Canada also adheres to an altruistic surrogacy model, prohibiting commercial arrangements. Surrogates are permitted to receive reimbursement solely for

⁸ Virginie Rozée et al., *Motivations of Indian Surrogates: A Qualitative Study*, 14 PLOS ONE e0214097 (2019), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0214097> (last visited June 10, 2025).

authorized out-of-pocket expenses. Similar to the United Kingdom, Canada adopts a more inclusive approach than India, allowing single individuals and same-sex couples to participate in surrogacy arrangements.

- **Australia:** In Australia, surrogacy is regulated at the state level, with the majority of states permitting altruistic surrogacy while strictly prohibiting commercial surrogacy arrangements. Notably, several states extend eligibility to single individuals and same-sex couples, demonstrating a more inclusive and progressive approach compared to India's current legal framework.

A review of global surrogacy laws reveals several important lessons for India as it continues to refine its regulatory approach. First, inclusivity does not have to be sacrificed to maintain an altruistic surrogacy model. Countries such as the United Kingdom, Canada, and Australia illustrate that it is possible to protect surrogate mothers while also allowing single individuals and LGBTQIA+ couples to pursue parenthood through surrogacy. India could consider amending its legislation to expand access without compromising ethical safeguards. Second, although the Surrogacy Regulation Act of 2021 aims to provide legal clarity, experiences from jurisdictions like California in the United States indicate that enforceable legal frameworks, including clear guidelines on expenses and obligations, can offer greater protection and transparency for all parties involved. Even within an altruistic model, India may benefit from more specific regulations regarding permissible reimbursements and support systems for surrogate mothers. Third, the current combination of a total prohibition on commercial surrogacy and restrictive eligibility conditions creates a risk of encouraging unregulated or underground surrogacy arrangements. Countries that have successfully managed either altruistic or commercial surrogacy systems show the importance of effective enforcement mechanisms and regulatory clarity. These international examples

provide India with practical insights that can inform more balanced and inclusive legal reforms.

Recommendations and the Way Forward

To reconcile ethical considerations with reproductive autonomy and to build a surrogacy framework that is inclusive, rights-based, and ethically sound, several key reforms are proposed:

1. Broaden Eligibility Criteria: India's current legal framework excludes single individuals, LGBTQIA+ persons, and couples in live-in relationships from accessing surrogacy. This exclusion raises serious constitutional concerns, particularly with respect to equality and non-discrimination. Comparative models from countries like the United Kingdom and Canada demonstrate that inclusive eligibility criteria can coexist with an altruistic surrogacy model. Amending the Act to extend surrogacy rights to a wider demographic—based on intent and capacity to parent rather than marital status—would align India's framework with international human rights standards and evolving constitutional jurisprudence.

2. Clarify and Expand the Definition of 'Close Relative': The current provision requiring the surrogate to be a "close relative" of the intending couple is ambiguously defined and poses significant practical limitations on the availability of altruistic surrogacy. Expanding this definition to encompass extended family members or individuals with established emotional or social ties to the intending couple would enhance the accessibility of surrogacy without compromising its altruistic intent. Such a revision would align the legal framework with the diverse familial and social realities faced by many prospective parents, thereby ensuring a more inclusive and pragmatic approach.

3. Ensure Enforceability of Agreements and Informed Consent: Although the Act permits altruistic surrogacy, it does not provide for the enforceability of surrogacy agreements. Clear, legally binding contracts—subject to judicial

oversight and ethical review—are essential to protect the rights and responsibilities of all parties. Informed consent must be rigorously documented, with surrogate mothers receiving full information about medical procedures, legal consequences, and post-birth rights. This would ensure both legal certainty and ethical transparency.

4. Strengthen Legal, Medical, and Psychological Support for Surrogates: The current framework offers limited safeguards for surrogate mothers. Comprehensive reform should include access to independent legal advice, mandatory psychological counselling, and full medical insurance from conception through postnatal care. Additionally, reimbursement protocols should be clearly outlined, and payment mechanisms could be routed through a designated authority to prevent direct financial coercion. While the Act prohibits commercial surrogacy, permitting reasonable compensation under strict regulation could further protect surrogates from covert exploitation while recognising the labour and risk involved.

5. Establish an Independent and Centralized Regulatory Authority: Although the Act mandates the creation of national and state boards, their powers and roles remain vague. A centralized, independent regulatory authority with a well-defined mandate, enforcement powers, and a robust grievance redressal mechanism is essential. This authority should monitor surrogacy clinics, review applications, maintain a national registry, and ensure compliance with ethical and legal standards. The Supreme Court's suggestion of a national database to prevent repeated use of surrogate mothers also underscores the importance of data governance in ethical oversight.

6. Promote Public Education and Legal Awareness: A lack of public awareness about the surrogacy process and legal framework contributes to misinformation and vulnerability. The government should launch educational campaigns to inform intending parents,

surrogates, and medical professionals about rights, obligations, and regulatory procedures. Legal literacy will promote informed decision-making and encourage responsible engagement with surrogacy.

7. Encourage Research and Evidence-Based Policymaking: Ongoing research into the social, economic, and psychological impacts of surrogacy on all stakeholders is essential. Data-driven insights can inform dynamic legal reform and ensure that the law remains responsive to evolving social realities. Establishing partnerships between academic institutions, legal bodies, and medical regulators would support more nuanced and human-centered policymaking.

8. Address Cross-Border Surrogacy Challenges: Although the Act primarily governs domestic surrogacy arrangements, international surrogacy involving Indian surrogate mothers or foreign intending parents still presents numerous legal and ethical challenges. To prevent children born through cross-border surrogacy from facing uncertainty regarding their nationality, legal custody, or citizenship, India should consider establishing bilateral agreements and well-defined protocols for recognizing parentage in such cases.

Conclusion

India's path in the realm of surrogacy has been intricate and evolving. Initially emerging as a prominent global center for commercial surrogacy, and later transitioned to a strictly altruistic framework. The enactment of the Surrogacy (Regulation) Act, 2021, marks a crucial legislative step aimed at resolving the ethical concerns and instances of exploitation that were prevalent during the unregulated phase. The Act's focus on protecting vulnerable women and upholding the rights and well-being of children born through surrogacy reflects a commendable commitment to ethical and humane reproductive practices.

However, as this paper has argued, the Act, in its

current form, presents a paradox. While it aims to protect, its restrictive eligibility criteria inadvertently limit access to parenthood for many deserving individuals and couples, including single parents and LGBTQIA+ persons. This narrow approach risks pushing desperate individuals towards unregulated and potentially unsafe avenues, undermining the very goals of the legislation.

The human element of surrogacy, the profound desire for family, the altruism of a surrogate mother, and the well-being of the child must remain at the forefront of legal and policy considerations. A truly humanized legal framework for surrogacy in India would be one that balances protection with accessibility, ensuring that the path to parenthood through assisted reproductive technologies is both ethical and inclusive. By embracing a more nuanced approach that learns from international best practices, strengthens support systems, and promotes public understanding, India can evolve its surrogacy laws to better serve the diverse needs of its citizens while upholding the highest ethical standards. The future of surrogacy in India lies in fostering an environment where compassion, dignity, and the fundamental right to form a family are value

