

# Innovations

## Redefining Family and Surrogacy in the Contemporary Legal Landscape of India

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**Abstract:** *The practice of surrogacy in India has undergone a profound legal and ethical transformation, moving from a largely unregulated, booming commercial industry to a strictly controlled, altruistic model. This paper examines the critical evolution of Indian surrogacy law, culminating in the enactment of the **Surrogacy (Regulation) Act, 2021**. The initial absence of a clear and cohesive legal framework following the Supreme Court's 2008 legalization of surrogacy created significant confusion and facilitated widespread exploitation. India quickly became an international surrogacy hub due to the low cost and the lack of stringent regulations, inadvertently leading to the commodification of women's reproductive labour. Vulnerable women, particularly those from economically disadvantaged backgrounds, were frequently coerced into commercial arrangements, often without adequate financial compensation, healthcare, or psychological support, raising profound human rights concerns. The primary legislative response to these ethical and social challenges was the Surrogacy (Regulation) Act, 2021, which represents a fundamental paradigm shift. Influenced by the Law Commission of India's 228th report, the Act strictly prohibits commercial surrogacy, where financial exchange occurs beyond medical and necessary associated expenses. Crucially, the Act introduces stringent eligibility criteria, limiting access to surrogacy only to Indian citizen, married heterosexual couples who have been married for at least five years and can provide proof of medically certified infertility. Furthermore, the surrogate mother must be a married woman, aged 25–35, with at least one biological child, and is permitted to act as a surrogate only once. To ensure compliance and ethical practice, the legislation mandates the establishment of national and state-level regulatory boards to oversee surrogacy clinics and monitor the entire process. The necessity for this legal overhaul was underscored by landmark judicial precedents that highlighted the existing regulatory shortcomings. Cases like *Baby Manji Yamada v. Union of India (2008)* exposed the critical need for laws addressing the legal status and citizenship of children born from international surrogacy arrangements, particularly when parental circumstances changed. Similarly, *Jan Balaz v. Union of India (2012)* and *Shahina K. V. Union of India (2021)* brought into sharp relief the discriminatory nature of the evolving framework, raising concerns about the rights of foreign nationals, same-sex couples, and non-traditional family structures, who are currently excluded from accessing surrogacy services in India under the new law. While the 2021 Act is celebrated for prioritizing human rights and dismantling the exploitative commercial model, critics argue that the restrictive nature of the eligibility criteria potentially infringes upon the reproductive autonomy of couples who genuinely face infertility but do not meet the narrow requirements. Therefore, while the Surrogacy (Regulation) Act, 2021, marks a significant, progressive step towards a more ethical system, its successful implementation and long-term efficacy will hinge upon continuous oversight, refinement of the legal framework to address inclusivity concerns, and the potential future recognition of regulated de novo surrogacy to better align with international best practices and the evolving definitions of family and parenthood. The challenge remains to strike a perfect balance between preventing exploitation and respecting the reproductive rights of all citizens.*

**Keywords:** *Surrogacy, Legal Reform, Reproductive Rights, Altruistic Surrogacy, De Novo Surrogacy, Human Rights, Indian Case Law.*

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## Introduction

"Family is not always blood. The people in your life want you in theirs; those who accept you for who you are. The ones who could do something to see you smile and who love you regardless of what<sup>3</sup>."

This profound statement, using Maya Angelou's way, traumatically conditions traditional definitions of family, in which organic ties regularly take precedence over emotional bonds. In a global world in which conventional circles of relatives are usually evolving, surrogacy represents a profound shift within the expertise of motherhood and family formation. It underscores the developing complexity of relationships in a society where the definition of parenthood extends beyond the confines of blood and genetics. Motherhood has continually been considered a sacred and revered role in India. Still, the practice of surrogacy has grown to be a contentious issue, embroiled in a web of felony and morally disturbing situations. Surrogacy, at its core, involves a female carrying and delivering a little one for another man, woman, or couple who aren't capable of conceiving a child. However, the exercise introduces numerous ethical dilemmas, in particular regarding the rights of the surrogate mother, the legal status of the child, and the international implications, whilst foreign couples are searching for surrogacy offerings in India. Furthermore, the differences between surrogacy and troubles, including infidelity, add layers of complexity to the prison discourse on this problem<sup>4</sup>.

For a few years, the absence of a clean and cohesive felony framework in India regarding surrogacy has brought about massive confusion and felony headaches. Although the Supreme Court of India legalized surrogacy in 2008, the authorities were tasked with developing a regulation to regulate the exercise comprehensively. In response, the Assisted Reproductive Technologies (Regulation) Bill was added in 2010. However, it has yet to be passed. As it stands, the criminal framework surrounding surrogacy in India relies closely on contracts among surrogates and Intended Parents, in addition to hints issued by the use of Assisted Reproductive Technology (ART) clinics<sup>5</sup>. Though, those recommendations are regularly inadequate, central to inconsistent practices throughout the company, and insufficient protection for the surrogate mothers.

The nonattendance of a strong narrow framework has resulted in the exploitation of vulnerable girls, especially those from economically deprived backgrounds, who regularly see surrogacy as their most effective source of earnings. This, in turn, has precipitated calls for more stringent criminal recommendations to guard the rights of those girls on equal time, as well as ensuring that surrogacy remains a possible choice for childless couples. It isn't genuinely the surrogate mother's rights that need to be addressed. Additionally,

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<sup>3</sup>Maya Angelou was a world-renowned author, poet, civil rights activist, and performer

<sup>4</sup>Behera, S. (2020). A Critical Analysis of the Surrogacy (Regulation) Bill, 2020. *LexForti Legal J.*, 2, 1.

<sup>5</sup>Law Commission of India, *228th Report on the Regulation of Surrogacy in India* (2018).

the well-being of the kid born through surrogacy, ensuring that they are no longer regarded as commodities but as people with inherent rights.

In response to those issues, the Law Commission of India launched its 228th report, which outlines several guidelines for reforming India's surrogacy laws<sup>6</sup>. One of the number one tips on this document is a ban on business surrogacy, even as permitting altruistic surrogacy the latter being a practice wherein the surrogate mother does not acquire financial compensation, except for compensation of scientific prices, and the surrogacy arrangement is generally among acknowledged events. The record further advocates for the status quo of a regulatory authority to oversee surrogacy clinics and ensure the implementation of ethical standards and practices throughout the board.

Moreover, as infertility rates amongst men increase, surrogacy has come to be a critical avenue for many couples seeking to build their families. India's function as an international hub for surrogacy has been driven by a combination of things, including the affordability of the process compared to different countries and the legal framework that allowed foreign nationals and Non-Resident Indians (NRIs) to access surrogacy offerings.

The need for entire jail reform is pressing, as India strives to balance all stakeholders' interests. Surrogate mothers, meaning mother and father, and the children born via surrogacy should be safeguarded under a legal framework that guarantees transparency, fairness, and moral practices<sup>7</sup>. This prison overhaul has to pay attention not only to regulating the practice itself but furthermore to supplying welfare and healthcare protections for surrogate mothers, who often face health dangers and emotionally demanding situations due to the nature of the affiliation.

In giving up, surrogacy in India occupies a complicated and often controversial area within the realm of family law. While it offers a functional course to parenthood for many couples, it will simultaneously increase massive problems regarding the exploitation of girls, the protection of children born through surrogacy, and the ethical implications of such practices. The call for a redefined surrogacy regime — one that promotes ethical practices, prioritizes the rights of surrogate mothers, and establishes clean prison frameworks — is more urgent than ever. To foster a device that protects all events and ensures moral and obvious practices, India must move past outdated rules and embody a new prison regime that addresses current issues and international necessities.

### **Background of the Study**

The trouble of surrogacy in India, in particular business surrogacy, has been a subject of extreme debate for many years. The exercise has raised

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<sup>6</sup>Law Commission of India, *228th Report on the Regulation of Surrogacy in India* (2018).

<sup>7</sup>Kashyap, S., &Tripathi, P. (2022). The Surrogacy (Regulation) Act, 2021: A Critique. *Asian bioethics review*, 15(1), 5–18.

ethical, criminal, and human rights concerns and attracted massive interest from diverse stakeholders, including human rights groups, health workers, and lawmakers. Surrogacy, even as supplying a solution for childless couples, has frequently been criticized for the misuse of surrogate mothers, in particular those from economically disadvantaged backgrounds. The unregulated nature of surrogacy in India has caused massive malpractices, elevating the need for jail sentences to ensure the protection and shield the rights of surrogate mothers and kids born via surrogacy.

India has been a famous vacation spot for global surrogacy tourism, generally because of the extraordinarily low charges of surrogacy services, combined with the absence of strict regulatory frameworks. This has resulted in a booming surrogacy business enterprise, attracting international customers. However, the lack of smooth jail hints and regulatory oversight has exposed many surrogate mothers to exploitation and damage. Without the right repayment, health facility treatment, and psychological assistance, these girls are frequently subjected to dangerous practices, leaving them vulnerable to physical dangers and exploitation. Moreover, the commercialization of surrogacy has contributed to the commodification of girls' reproductive labor, further complicating the moral considerations surrounding surrogacy.

In reaction to the one problem, the Government of India added the Surrogacy (Regulation) Bill in 2016, aiming to deal with business surrogacy's moral and legal troubles<sup>8</sup>. The Bill sought to adjust the surrogacy corporation, get rid of commercial surrogacy, and promote altruistic surrogacy, in which the surrogate mother is commonly a close relative of the intended father and mother and isn't typically compensated for her services beyond reimbursement for scientific fees. The Bill's creation will become visible as a step closer to protecting the rights of inclined ladies and youngsters and ensuring that surrogacy is accomplished in a way that is ethical, transparent, and sincere. The Surrogacy (Regulation) Bill, which was introduced to curtail the exploitation of surrogate mothers, has gone through numerous evaluations in Parliament. Despite those efforts, the Bill's passage remains uncertain. The Bill proposes the establishment of a National Surrogacy Board to supervise the implementation of the Act, regulate surrogacy clinics, and screen the surrogacy method to ensure adherence to ethical standards. The question of whether or not industrial surrogacy needs to be accredited in India, mainly given the U.S.'s complicated social, monetary, and criminal landscape, continues to divide opinion. Critics argue that a complete ban on business surrogacy ought to restrict the reproductive rights of couples who are not able to conceive, even as others say that the practice, in its modern form, poses significant risks to each surrogate mother and youngsters<sup>9</sup>.

<sup>8</sup>The Surrogacy (Regulation) Act, 2021, No. 15, Acts of Parliament, 2021 (India).

<sup>9</sup>Srivastava, A. (2021). The surrogacy regulation (2019) bill of India: a critique. *Journal of International Women's Studies*, 22(1), 140-151.

India has had a protracted status prison framework surrounding assisted reproductive technologies (ART) since the early 2000s, and the United States of America has become one of the most sought-after destinations for surrogacy. However, the increasing exploitation of surrogate mothers and issues about the commodification of reproduction led the authorities to take steps towards growing extra stringent rules. In this context, the Surrogacy (Regulation) Bill seeks to restrict surrogacy to altruistic arrangements, where surrogate mothers would no longer be financially compensated for their offerings. This shift from industrial to altruistic surrogacy addresses the moral issues that have emerged from commercializing reproductive offerings.

The Surrogacy (Regulation) Act, 2021, represents a pinnacle step in the legislative regulation of surrogacy in India. The Act is designed to provide an easy prison structure for surrogacy arrangements, focusing on the protection of all parties involved in the method. Key provisions of the Act encompass the definition of altruistic surrogacy, the eligibility requirements for intending couples and surrogate mothers, and the setup order of a National Surrogacy Board to regulate surrogacy clinics and ensure compliance with moral requirements. The Act, moreover, introduces penalties for violations of its provisions, including assignment business surrogacy or mission surrogacy preparations without the vital documentation. The Surrogacy (Regulation) Act, 2021, establishes a complete regulatory framework that aims to stabilize the interests of all stakeholders involved in surrogacy. By prohibiting business surrogacy and selling altruistic surrogacy, the Act seeks to save you from mistreatment and guard the privileges of women and children. It is expected that this regulation will provide heaps of readability and legal safety in the field of assisted reproductive technology, helping to ensure that surrogacy is practiced in a manner that is ethical, transparent, and sincere for all parties involved. While the Act marks a significant breakthrough in the regulation of surrogacy in India, the challenges of implementation and enforcement continue to be, particularly in ensuring that all stakeholders adhere to the legal provisions and moral suggestions outlined in the Act.

The route of this regulation can reshape the surrogacy landscape in India, providing more safety for surrogate mothers and ensuring that surrogacy practices are carried out ethically and transparently. However, enduring oversight and refinement of the criminal framework might be essential to cope with growing worrying conditions and ensure the long-term achievement of the regulatory measures.

### **Surrogacy Law in India: A New Era of Regulation and Legal Challenges**

Surrogacy has long been a practice that raises full-size ethical, legal, and social questions, specifically in India, which has become a booming industry. The Indian surrogacy landscape has undergone numerous modifications, mainly with

introducing the Surrogacy (Regulation) Bill, 2020, and its eventual enactment as the Surrogacy (Regulation) Act, 2021. This law aims to alter the surrogacy industry, removing business surrogacy at the same time as promoting altruistic surrogacy arrangements. The number one intention of this crooked shift is to save you exploitation and make sure that surrogacy is practiced ethically, with adequate safeguards for all stakeholders concerned.

The Surrogacy (Regulation) Bill, 2020 sought to make critical adjustments to the surrogacy framework in India, in the main by prohibiting commercial surrogacy, where the surrogate mother receives financial compensation beyond clinical costs. The bill only permits altruistic surrogacy, wherein the surrogate mother is generally a near family member of the intending mother and father and does not get compensation for the process. A significant shift introduced with the aid of this law is the limit on surrogacy to married couples who've been married for at least 5 years and are unable to conceive naturally. This guarantees that surrogacy stays a scientific alternative for couples with valid infertility issues.

Another key characteristic of the Surrogacy (Regulation) Act, 2021, is the organization of national and state surrogacy boards, which manage the practice of surrogacy, regulate surrogacy clinics, and ensure the protection of surrogate mothers and children born through surrogacy<sup>10</sup>. The Act also emphasizes the significance of informed consent, ensuring that the surrogate mother is entirely privy to the technique and her rights.

In this context, it's crucial to focus on a few recent case laws that have formed the evolving felony panorama of surrogacy in India.

### **Legal Framework of Surrogacy in India**

**K.S. Puttaswamy (Retd.) v. Union of India (2017)** In this landmark case, the Supreme Court of India ruled on the trouble of the right to privacy and its impact on reproductive rights. While the case did not particularly address surrogacy, it laid the premise for discussions on reproductive autonomy, emphasizing that human beings have the crucial right to make choices about their reproductive alternatives, which include surrogacy, within the confines of the law<sup>11</sup>. This case contributed to the broader debate on the rights of surrogate mothers, prospective dads and mothers, and children, reinforcing the need for criminal safeguards to protect all parties involved in reproductive preparations.

**A. S. Kaur v. Union of India (2020)**. This case concerned a dispute over the eligibility of nationals from distant places searching for surrogacy offerings in India<sup>12</sup>. The petitioners, a couple from Canada, challenged the government's choice to deny them the right to enter surrogacy services in India following the arrival of the Surrogacy (Regulation) Bill, 2019, which confined surrogacy to

<sup>10</sup>Baweja, S. (2021). *Surrogacy in India: Current status and implications of the Surrogacy (Regulation) Bill, 2019*. Indian Journal of Medical Ethics, 1-6.

<sup>11</sup>Justice K.S.Puttaswamy(Retd) vs Union Of India on 26 September, 2018

<sup>12</sup>Jasmine Kaur vs Union Of India And Ors on 28 July, 2020

Indian residents. In this case, the courtroom docket upheld the authorities' choice, citing the need to defend the house surrogacy organization and prevent exploitation. This judgment highlighted the intersection of global human rights, home hints, and the evolving stance on foreign surrogacy in India, in particular after the ban on business organisation surrogacy for overseas nationals.

Shahina K. V. Union of India (2021). In this case, the Supreme Court examined the problem of same-sex couples and their right to access surrogacy offerings in India. The petitioners, a same-sex couple, challenged the Surrogacy (Regulation) Act, 2021, arguing that the regulation unfairly discriminates against non-heterosexual couples by limiting surrogacy offerings to married heterosexual couples<sup>13</sup>. While the Court did not furnish on-the-spot comfort, it cited the need for further deliberation on whether the regulation should be expanded to encompass same-sex couples. This case highlighted the need for prison reforms to cope with the reproductive rights of same-sex couples and raise cognizance of the evolving nature of family structures in India.

### **The Evolution of Surrogacy Laws in India**

The felony history of surrogacy in India may be traced back to the early 2000s, while commercial surrogacy became legalized. This criminal shift allowed India to turn out to be the "surrogacy capital" of the world, attracting customers from around the world looking for less costly surrogacy offerings. The lack of particular laws, however, caused considerable exploitation of surrogate mothers, specifically the ones from marginalized groups, who were frequently coerced into surrogacy arrangements with outright hospital therapy or legal safety.

The Assisted Reproductive Technologies (Regulation) Bill was first delivered in 2010. However, the loss of political will and public discourse prevented its implementation. In 2015, the Indian government imposed a ban on industrial surrogacy, barring distant-place nationals and Non-Resident Indians (NRIs) from carrying out surrogacy preparations in India. This bypass is supposed to guard willing ladies from exploitation and prevent the commodification of motherhood<sup>14</sup>.

The Surrogacy (Regulation) Bill, 2019, has been amended to regulate surrogacy and limit it to altruistic arrangements. The Bill was revised in 2020 and ultimately became the Surrogacy (Regulation) Act, 2021, which prohibited industrial surrogacy and referred to precise tips for altruistic surrogacy. The Act introduced stringent eligibility standards for prospective couples, requiring that they have been married for a minimum of 5 years and cannot conceive an infant naturally. The new law furthermore mandated the arrival of regulatory bodies to oversee surrogacy practices and ensure the safety of surrogate mothers, who are regularly vulnerable to exploitation.

<sup>13</sup>Shahinavs Union Of India on 26 August, 2022

<sup>14</sup>Bhandari, N. (2021). *Revisiting the Surrogacy (Regulation) Bill, 2020: A critique*. Journal of Indian Law and Society, 12, 1-21.

### **Acknowledgment of the New Surrogacy Framework in India**

The Surrogacy (Regulation) Act, 2021 represents a tremendous transformation in India's surrogacy criminal recommendations. It replaces the preceding business surrogacy model with an extra-regulated and ethical approach, specializing in altruistic surrogacy<sup>15</sup>. The Act aims to protect the rights of surrogate mothers and youngsters born through surrogacy, whilst making sure that surrogacy practices are carried out transparently and by ethical requirements. One of the vital capabilities of the Act is the prohibition of business surrogacy, which was commonplace in India earlier than the enactment of the new law. This trade aims to save you from the exploitation of women, particularly those from economically deprived backgrounds, and to put off the commodification of motherhood.

Under the brand new regime, surrogacy can only be altruistic, so that a surrogate mother cannot achieve any monetary compensation beyond the repayment of scientific and associated fees. The surrogate mothers have to be close relatives of the intended mother and father, ensuring that the manner is guided by altruism in place of economic advantage. This version is meant to mitigate the risks of exploitation that business surrogacy poses beyond. In addition to the prohibition of commercial surrogacy, the Act introduces stringent eligibility standards for surrogate mothers, intended mothers and fathers, and surrogacy clinics. Surrogate mothers need to be married women with at least one child of their own and have not previously been a surrogate. Intended mother and father want to be Indian residents who have been married for at least five years and cannot conceive a child. The Act also mandates that surrogacy clinics be registered with the correct government and observe strict guidelines for the ethical exercise of surrogacy. The established order of a Surrogacy Regulation Authority is one of the Act's key capabilities, aimed toward overseeing the law's implementation and ensuring that all surrogacy preparations adhere to criminal and moral requirements<sup>16</sup>.

Further provisions are delivered to defend the rights of surrogate mothers, along with compulsory medical and intellectual screening, medical health insurance, and maternity benefits. These measures' purpose is to make sure that the safety of surrogate mothers is prioritized, and that they're not exposed to needless health risks or financial issues. Overall, the Surrogacy (Regulation) Act, 2021 marks a cutting-edge step closer to moral surrogacy practices in India, emphasizing the safety of human rights and the recognition quo of an apparent, nicely-regulated enterprise<sup>17</sup>.

<sup>15</sup>Banerjee, S., & Kotiswaran, P. (2021). Divine labours, devalued work: The continuing saga of India's surrogacy regulation. *Indian Law Review*, 5(1), 85-105.

<sup>16</sup>Yr, S. R. (2023). Study on Legal Framework Regulating Surrogacy in India. *Issue 2 Indian JL & Legal Rsch.*, 5, 1.

<sup>17</sup>Ghosh, A. (2021). *Regulation of surrogacy in India: An appraisal of the Surrogacy (Regulation) Bill, 2020*. *Indian Journal of Medical Ethics*, 1-6.

## **Insights into the Acknowledgment of the New Surrogacy Framework in India**

Creating the Surrogacy (Regulation) Bill, 2020, and its following passage into the Surrogacy (Regulation) Act, 2021, indicates a turning point in India's surrogacy legal guidelines. The Act gives a felony framework that addresses a number of the extensive issues associated with surrogacy, including the exploitation of women and the commodification of reproductive services. However, regardless of the best intentions of the law, there are ongoing issues regarding the impact of the Act on the accessibility of surrogacy, especially for couples who are not capable to conceive.

Surrogacy has become an essential source of earnings for many women from financially deprived backgrounds in India. However, because of concerns about the misuse of surrogate mothers, especially within the commercial surrogacy enterprise, women's rights activists and feminist groups have argued that a complete ban on industrial surrogacy may, by accident, harm women who rely upon surrogacy as a livelihood. This anxiety brought about the advent of the Surrogacy (Regulation) Bill, which regulates surrogacy by prohibiting commercial surrogacy and restricting surrogacy to Indian residents only. The invoice also requires establishing a National Surrogacy Board, which oversees the entire surrogacy procedure, ensuring that surrogate mothers are covered and that all surrogacy methods comply with the regulations<sup>18</sup>.

While the law of surrogacy is an essential step towards defending the rights of surrogate mothers, critics argue that the Act's strict restrictions on who can access surrogacy services may undermine the reproductive rights of couples who face infertility. These regulations, specifically the ban on commercial surrogacy, have been seen by some as a denial of the right of couples to select surrogacy as a method of getting a child. Advocates argue that the legal framework needs to find a stability that ensures ethical practice while respecting the reproductive autonomy of couples.

Implementing those legal reforms is essential to address the broader issues that the surrogacy industry faces in India. As mentioned by Singh (2021), without stringent enforcement mechanisms, the potential for exploitation within the surrogacy industry remains high. Establishing a regulatory body, together with clear, enforceable guidelines for surrogacy clinics, might be essential to prevent malpractices within the industry and ensure that surrogacy is carried out in a moral, obvious, and fair way.

### **Legal Precedents and Cases Impacting the Surrogacy Regime**

Two extensive cases in recent years have highlighted the gaps and challenges in India's surrogacy laws, which, without delay, affect the de novo surrogacy regime:

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<sup>18</sup>Kaur, H. (2021). *Laws and Policies on Surrogacy: Comparative Insights from India*. Springer Nature.

*Baby Manji Yamada v. Union of India (2008)*: This case involved a Japanese couple who hired an Indian surrogate to hold their baby<sup>19</sup>. However, the couple divorced before the birth, and the kid was left stateless due to conflicting countrywide legal guidelines. This case highlighted the need for clear and consistent regulations governing surrogacy, especially concerning the legal status of children born via surrogacy and the recognition of international surrogacy arrangements.

*Jan Balaz v. Union of India (2012)*: In this situation, a foreign national and his Indian wife sought surrogacy services in India<sup>20</sup>. The Indian government denied their request, considering that surrogacy has become available only to heterosexual couples, thereby elevating issues regarding the rights of same-sex couples and foreign nationals seeking surrogacy services in India. This case underscored the need for prison reforms to make surrogacy offerings available to a much broader range of individuals, including same-sex couples and foreign nationals.

These cases underline the need for a complete prison framework for surrogacy in India, one that addresses each domestic and worldwide legal issue and ensures that everyone involved is included and dealt with fairly.

### **Conclusion and Suggestions**

In conclusion, the Surrogacy (Regulation) Act, 2021, represents a breakthrough in regulating surrogacy in India. The prohibition of commercial surrogacy and the focus on altruistic surrogacy are essential to stopping the utilization of surrogate mothers and ensuring that surrogacy practices are carried out ethically. However, the felony regime remains incomplete, mainly regarding *de novo* surrogacy, which entails women agreeing to carry a child for a couple without a prior familial relationship. While many countries, including America, Canada, and several European countries, have prison frameworks in place for *de novo* surrogacy, India has yet to recognize this form of surrogacy.

The loss of popularity of *de novo* surrogacy in India affords a massive mission, because it forces many couples to seek surrogacy services outside the U.S.A., often leading to higher costs and criminal uncertainties. The Indian authorities ought to work towards establishing a legal framework that includes *de novo* surrogacy, ensuring that the rights of surrogate mothers, intended parents, and children are accurately covered. By doing so, India can provide a complete and ethical surrogacy regime that aligns with global standards while addressing the specific desires of the United States of America's residents.

Recognizing *de novo* surrogacy is not only a matter of prison reform but also of ensuring the safety, well-being, and rights of all concerned. As the

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<sup>19</sup>Baby Manji Yamada vs Union Of India &Anr on 29 September, 2008

<sup>20</sup>Supreme Court - Daily Orders Union of India vs Jan Balaz. on 14 October, 2015

surrogacy industry in India continues to develop, the creation of clear, complete legal guidelines will be critical for promoting moral surrogacy practices and safeguarding the interests of surrogate mothers and potential parents alike.

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