
SUCCESSION RIGHTS OF SURROGACY-BORN CHILDREN IN INDIA

Prajual Agarwal & Sonam Drolia, Birla Global University, Bhubaneswar

ABSTRACT

In this article, we analyze how Indian family law views inheritance and succession rights of children born through surrogacy. Although the Surrogacy (Regulation) Act, 2021 provides that intended parents are the lawful guardians by establishing that legal parentage exists from birth of the surrogacy born child, it does not explicitly harmonize succession rights due to the pluralism of personal law systems in India. In addition, this has created uncertainty around succession rights for children born through surrogacy especially in regard to the intestate succession and inter-religious families. Using a doctrinal approach, this paper analyzes Article 14 & 21 of the Constitution of India, statutory provisions and case law, particularly *Baby Manji Yamada v. Union of India* (2008) and *Jan Balaz v. Union of India* (2009); to determine whether children born of surrogacy are on par with biological or adopted children for purposes of inheritance, coparcenary, and legitimacy. In summary, this paper asserts that while existing law allows for equal inheriting rights according to the legal relationship between the deceased and their children, there are many uncertainties arising from the absence of direct codification of distinct personal inheritance laws based on various forms of religious judgment throughout India. Based on this finding, the author suggests that there be a thorough rewrite of all relevant legislation that would establish uniformity regarding the inheriting rights of children born via surrogate mothers, thereby bringing family law into compliance with advancements in reproductive technologies.

Keywords: Surrogacy and inheritance rights, Legal parentage & surrogacy, Personal laws and succession, Constitutional Equality, Rights of surrogacy born children.

Introduction

The use of surrogacy as an assisted reproduction technique (ART) ¹has changed the meaning of family through its provision of access to parenthood for infertile couples, single people, LGBTQ+ persons, and people who have a physical disability preventing them from reproducing biologically. Thus, it has disrupted traditional ways of thinking about lineage, kinship and inheritance. The passing of the Surrogacy (Regulation) 2021 Act² is a significant step in prohibiting commercial surrogacy and naming intended parents as the legal guardians of a child from the moment of birth. However, there is still no provision in the law for the inheritance or succession rights of children who are born through surrogacy. The above creates ambiguity in relation to the various personal laws that operate in India such as The Hindu

Succession Act, 1956³, The Indian Succession Act, 1925⁴; The Muslim Personal Law (Shariat) Application Act, 1937⁵ etc; specifically, whether or not, children born through surrogacy will be allowed to be legally recognized as legitimate heirs and guardians, as well as having a right to inherit under both statutory intestate or will provisions as either coparceners in Hindu Undivided Families. Therefore, given the fundamental concepts of equality before the law and dignity contained in Articles 14 and 21⁶ (of the Constitution), it is crucial that state governments implement legal reforms to provide children born through surrogacy the same rights to inherit as biological or adopted children, and to ensure that family law in India aligns with advances in reproductive technologies; as well as changes in traditional social norms.

This research intends to thoroughly investigate the law related to inheritance and succession for children born through surrogacy, focusing on highlighting the shortcomings of current laws, court decisions, and methods for enforcing these laws. In addition, the study also determines if children born via surrogacy are given the same level of rights as children born through natural or legally recognized means of being a parent.

Additionally, this research also reviews how the existing statutes protect the child's right to life and dignity under **Article 21** of the Constitution of India (right to identity, family, property, and

¹ *The Assisted Reproductive Technology (Regulation) Act, 2021*, No. 42 of 2021, §§ 2(1)(a)

² *The Surrogacy (Regulation) Act, 2021*, No. 47 of 2021, §§ 2(1)(zg), 6–8 (India)

³ *The Hindu Succession Act, 1956*, No. 30 of 1956, §§ 6, 8–10 (India)

⁴ *The Indian Succession Act, 1925*, No. 39 of 1925, §§ 32–49 (India)

⁵ *The Muslim Personal Law (Shariat) Application Act, 1937*, No. 26 of 1937, § 2 (India)

⁶ INDIA CONST. arts. 14, 21

equal recognition by law). It also identifies what barriers exist in enforcing these laws, and also recommend changes to the law and policies that will help create a fair, inclusive and childfocused inheritance structure that protects the rights of all children, regardless of how or where they are born.

The purpose of this research paper is to analyze the legal position pertaining to the inheritance and succession rights of children born to parents through surrogate motherhood and guardianship rights within the purview of Indian family law. It aims to examine whether or not judicial and statutory recognition has been granted to these children, giving them equal rights with children who are born biologically, particularly in light of changes which have occurred due to the enactment of the Surrogacy (Regulation) Act, 2021 and the decisions of the Supreme Court of India subsequent to this enactment.

This research paper includes a discussion of the legal ambiguity that existed prior to 2021 regarding the status of and legitimacy of children born through surrogacy and their equal rights to children born biologically, especially with regard to their right to inherit under their respective personal laws. The research paper discusses issues of coparcenary rights created by the Hindu Succession Act, 1956 and how different personal law systems address the inheritance of children born through surrogate motherhood and how courts have recently interpreted cases involving parentage issues (such as the decision of the Bombay High Court regarding parentage issued in 2024).

The research paper contains a case-based examination of several landmark cases (*including Baby Manji Yamada v. Union of India*)⁷ on the situation of surrogacy from a practical point of view and discusses and how judges have resolved issues concerning parental status, guardianship and a surrogate child's right to inherit.

Moreover, this research paper attempts to examine the practical and legal limitations that arise from the various eligibility criteria and "legal exclusions" that might still lead to the denial of a surrogate child's right to inherit or acquire legal parentage for purposes of succession.

In addition, while this study focusses specifically on the immediate legal issues associated with children born via surrogacy, it also endeavors to provide further and more comprehensive contributions to existing family law scholarly literature and offer suggested reforms regarding

⁷ *Baby Manji Yamada v. Union of India*, (2008) 13 S.C.C. 518, ¶¶ 8–10 (India)

clarity, consistency and protection of the rights and dignity of such children.

Statement of Problem

The enactment of the Surrogacy (Regulation) Act, 2021 marks a significant step toward regulating assisted reproduction in India by recognizing children born through surrogacy as the biological children of the intended parents. However, while the statute clarifies issues of parentage and legitimacy, it remains conspicuously silent on the question of succession and inheritance rights of such children across diverse personal law regimes in India.

India's pluralistic legal system continues to govern succession through religion-based statutes such as the Hindu Succession Act, 1956, the Indian Succession Act, 1925, and the Muslim Personal Law (Shariat) Application Act, 1937. These laws were enacted in a period when assisted reproductive technologies like surrogacy were not contemplated. Consequently, they do not explicitly address the status or inheritance entitlements of children born through surrogacy arrangements. This legislative gap creates significant ambiguity regarding whether such children enjoy equal rights in matters of intestate succession, coparcenary property, and lineage-based inheritance.

Further complications arise in cases involving interfaith families, non-traditional family structures, and children born through surrogacy prior to 2021, where retrospective application of the law remains uncertain. The absence of uniform statutory recognition leads to inconsistent interpretations, thereby undermining legal certainty and predictability in succession disputes.

Judicial pronouncements, such as in *Baby Manji Yamada v. Union of India* and *Jan Balaz v. Union of India*, have primarily addressed issues relating to parentage, nationality, and custody of children born through surrogacy. However, these decisions have not definitively resolved questions pertaining to inheritance and succession, leaving a crucial legal vacuum.

This ambiguity raises serious constitutional concerns under Articles 14 and 21 of the Constitution of India, particularly with respect to the principles of equality before law, nondiscrimination, and the right to live with dignity. Denying or diluting inheritance rights solely on the basis of the mode of birth may result in unjust classification and unequal treatment of similarly situated children.

Therefore, the core problem lies in the absence of a coherent, uniform, and comprehensive legal

framework that unequivocally guarantees equal succession rights to children born through surrogacy across all personal laws in India. This gap necessitates urgent judicial interpretation and legislative intervention to harmonize surrogacy law with existing succession regimes and to ensure that such children are not placed at a legal disadvantage.

[The Surrogacy (Regulation) Act 2021 has been a milestone for regulating assisted reproduction in the country, by now explicitly recognising that children born out of a surrogacy are to be treated as the biological children of the intended parents. While the Act has provided clarity on some issues regarding parentage and legitimacy, it is silent in respect of the rights of these children to inherit and benefit from succession under the various personal law systems in India.

India's pluralistic legal system is still reliant on the applicable religious laws in respect of succession (such as the Hindu Succession Act from 1956, the Indian Succession Act of 1925 and the Muslim Personal Law (Shariat) Application Act from 1937), which were enacted at a time when assisted reproduction (including surrogacy) was not on the legislative agenda and therefore do not contain any specific provisions to determine the rights or entitlements of children born through surrogate arrangements with regard to succession. This absence of legislative provision leaves significant uncertainty around whether such children will have equal rights when it comes to intestate succession, as coparceners in joint family property and under systems of inheritance based upon bloodlines.

In addition, complications arise where children are the product of an inter-faith union or of families that may not fit into traditional legal categories or where such children were born prior to enactment of the Surrogacy (Regulation) Act of 2021 and the retrospective application of the legislation is not clear. The lack of consistency in relation to the statutory recognition and definitions of surrogacy will give rise to inconsistent interpretation and a lack of legal certainty and predictability in disputes over the succession of children born out of a surrogacy arrangement.

Regulatory decisions, like those from *Baby Manji Yamada v Union of India* and *Jan Balaz v Union of India*, have only dealt with parentage, nationality, and custody of babies produced through surrogacy. The decisions do not address how inheritance and succession rights of children conceived using surrogacy will be protected, creating an enormous legal black hole.

This lack of clarity raises important constitutional issues under Articles 14 and 21 of the

Constitution of India regarding equality before the law, discrimination, and the right to life with dignity. To deprive children of their inheritance rights due to their mode of birth would be an example of an unjust classification, and would lead to unfair treatment of children who were born in similar situations, therefore violating their constitutional rights.

Thus, the primary issue is that there is not a clear, consistent, comprehensive legal framework that clearly provides that children born through surrogacy will have the same inheritance rights as children born in other ways under personal law in India. As a result, there is an immediate need for judicial interpretation and legislative action to align the laws governing surrogacy with the laws governing succession to ensure that children born through surrogacy are not harmed by the absence of sufficient protections.

Legal Framework

India's legal framework for succession rights of surrogacy-born children is anchored in the Surrogacy (Regulation) Act, 2021, which establishes that children born to surrogate mothers have the same inheritance rights under Indian law as those conceived through traditional methods. Surrogacy legislation was formed from the numerous complainants and court proceedings in India. The next sub points that follow explain the various aspects of this legislation as well as the legal implications, and existing case law related to this subject matter.

Parental Acknowledgment

Under **Section 16** of the Surrogacy (Regulation) Act, 2021, "every child born out of surrogacy shall be treated as a biological/legal offspring of the intended parents from birth". This means that offspring born of surrogacy have full rights of inheritance, succession and maintenance equal to those born naturally. Also under Section 10 of the Act, only the intended parents are entitled to have their name listed as the parent(s) on the child's birth certificate, thus preventing the possible conflict over parentage between surrogates or their egg/sperm donors with regard to succession proceedings that may arise in the future as a result of their involvement. These provisions are not in conflict with personal laws such as the Hindu Succession Act, 1956 (in which purpose intended parents will be included within the definition of Class I heirs). There are some ambiguities with regard to intestate succession of non-Hindus in that there is no specific codification addressing this issue.

Relevant Case Law

The Supreme Court of India determined in *Baby Manji Yamada v. Union of India (2008)* that there was no ban on commercial surrogacy in India as of that date. The Court also ordered the Indian Central Government to produce travel documents to allow the child to leave for Japan with her grandmother, based on the premise that it would be in her best interest to do so until more comprehensive international surrogacy regulations are passed.

Legal Bar on Abandonment

Abandoning a child is not allowed for reasons related to a child's physical defect, sex or being born as a multiple. If an individual breaches this requirement they can be imprisoned for a period of time and fined to ensure that the child will be able to remain safe and will continue to have access to their family property. Article 21 guarantees children the right to life and family, and children will continue to maintain succession rights against the estate of their adoptive parents, even during a dispute, and provisions align with guardianship laws established by the Hindu Minority and Guardianship Act in 1956.

In *Jan Balaz v. Union of India (2009, affirmed 2023⁸)* The Gujarat High Court, which became the Supreme Court, provided the IP parents of the twins with Indian citizenship and guardianship, specifically directing them to accept the twins as their children even if they held a foreign citizenship. The Court further confirmed the non-termination of the surrogacy, the non-abandonment of the children and their ability to inherit from their biological parents.

Right of Donors and Surrogates

Gamete donation or surrogacy (as defined in **Sections 4 and 16** of the CCDA) negates any paternal or mother's claim, parental rights for a child born through a surrogate or donor, or inheritance rights or succession interests for that child. Once the child is born, the surrogate will relinquish all legal ties to the child. This is done in such a way that the only people to inherit would be the intended parents. As a consequence, the donor cannot claim any biological rights to property in a dispute with the intended parents, as there shall be no access to birth certificates or other records to establish exclusivity to ownership.

⁸ *Jan Balaz v. Anand Municipality*, 2009 SCC OnLine Guj 1041, ¶¶ 14–20 (India).

The **Bombay High Court (2024)** ruled that egg donors have no parental or succession rights, recognising only the intending parents as the child's legal parents.

Coordination with succession framework

The Act harmonizes with personal succession statutes (such as Hindu Succession Act that give surrogacy children equal rights as coparceners) and laws governing inheritance for Muslims and Christians (who allow any child legitimate to inherit under their own laws) are similar to the Act. Our Research suggests that they need to be amended to create uniformity throughout all religions ensuring clarity in distribution in cases of intestacy. Intended parents are required to have a certificate from the doctor stating that there are no living children (with the exception of disabled children) before they can use surrogacy to obtain their own children. This restricts the ability of an intended parent to utilize surrogacy as an option to have children of their own, however it provides equal access to inheritance by a child from their same-sex parent. If we violate or break the law, then we cannot make a claim for that child, and that legally prevents us from getting a child through surrogacy to have access to anything owned by one of that child's parents.

Theoretical Framework

The theoretical basis for the Succession Rights of Children Born through Surrogacy in India has been developed around four key areas: the broad concept of Constitutional Equality, Child Welfare Principles, Statutory Authority under the Surrogacy (Regulation) Act, 2021, and Personal Law Succession Rules. The Courts have developed landmark judgments filling in the gaps that exist within these four areas. As a result of this framework, children being born via surrogacy will inherit just like biological children of their intended parent(s). Still, obstacles may arise in intestate situations and in circumstances where parents are from different religions.

Constitutional Framework

The Constitution of India (Articles 14, 15 and 21) has a constitutional framework that guarantees equality, equal protection from discrimination and the right to life, dignity and liberty. Article 14 guarantees every child born through surrogacy equal rights to inherit property, regardless of their place of birth or origin, without discrimination. The concept of the "best interests of the child" is outlined in Article 3 of the United Nations Convention on the

Rights of the Child, which states that the child's welfare is the first priority for all decisions made for that child, regardless of any agreement made by adults regarding their child's future. This has been supported by judges in *Shamima Farooqui v. Shahid Khan* (2015), where the Supreme Court concluded that maintenance rights may be extended to children living with nontraditional families. Finally, Justice *K.S. Puttaswamy v. Union of India* (2017) recognized that reproductive freedom is a fundamental right under Article 21 and therefore extends to legal recognition of parentage in inheritance issues.

Legitimacy as per the Surrogacy Act

In regard to the decree of lawful legitimacy of a baby who is born through surrogacy – under the Surrogacy (Regulation) Act, 2021 Section 2(25) recognizes the intended parents as the biological parents of the child from the date the child is born (i.e., the moment of birth). The surrogate mother has no legal parental rights under this section.

In addition to this, under the Surrogacy (Regulation) Act, 2021 Section 7 provides for no abandonment or legal recognition of the intended parents' biological child under any circumstances whatsoever. This ensures that children conceived through surrogacy will be afforded the same legal protections as any other child.

In light of all this, it follows that the Surrogacy (Regulation) Act, 2021 is fully in accordance with the provisions of the Hindu Succession Act of 1956, where the child may inherit as a Class I heir with all the rights to the property of the grandparent, including all the coparcenary rights to be accrued to the child as defined under the Hindu Succession Act, 1956 and amended by the 2005 amendment. This understanding finds further support in judicial interpretation: In the case of *ABC v. State (NCT of Delhi)* (2023)⁹, whilst some provisions of the Surrogacy (Regulation) Act, 2021 were called into question – it was determined that the paramount consideration was to ensure the welfare and rights of the child, and as such, the entitlement of a child to inherit from a grandparent or parent through a surrogate mother was also impliedly affirmed.

Alignment with Personal Law Frameworks

According to the Hindu Succession Act, 1956 a child conceived through surrogacy who is legally acknowledged as a child of the surrogate father and mother can inherit property from

⁹ *ABC v. State (NCT of Delhi)*, (2015) 10 S.C.C. 1, ¶¶ 15–19 (India)

both parents just like any other biological child. A surrogacy adoption by one of the parents (or both) will sever the legal relationship between the child and surrogate parent. The Supreme Court of India in the case of *Vineeta Sharma v Rakesh Sharma, 2020* confirmed that daughters have equal coparcenary rights at birth. This applies equally to daughters born as a result of surrogacy.

Under Muslim personal law (Shia/Hanafī), a claim may also be established through according to recognition through the recognised Islamic methods of inheritance (e.g. hiba) resulting in a child having an entitlement to inherit and possess property as his/her biological children. Similarly, under the Indian Succession Act, 1925, the laws pertaining to Christians; children born through surrogacy are treated as lineal descendants of their parents for the purposes of inheritance. The courts, even before specific legislation had been enacted, often relied on longstanding principles of legitimacy to establish the rights to inheritance by children born through surrogacy. For example, in the case of *Mohd. Allahdad Khan versus Mohd. Ismail Khan (1888)*, the Privy Council applied presumptions of legitimacy and has similarly been applied analogously to support heirs' rights in pre-legislation practice of surrogacy.

Challenges and court Driven remedies

Legal gaps in non-Hindu personal laws, combined with the issues associated with children born through surrogacy before the enforcement of the Surrogacy (Regulation) Act in 2021, have led to disputes over definitions of legitimacy and succession. In the recent case of *XYZ v. Union of India (2023)*, the Court expressed concern about some aspects of the eligibility requirements—such as the timeframe for a marriage to be eligible for surrogacy—but confirmed that the rights of the child should prevail and that courts should continue to take a welfare approach to children. Section 112 of the Indian Evidence Act, 1872 assumes that a child is legitimate and provides legal protection for children with uncertain parentage. Courts will often provide declarations of a child's legal status based on previous judgments and existing child welfare jurisprudence, including the principles laid out in *Laxmikant Pandey v. Union of India (1984)*, which confirmed the requirement for child welfare and safety in the areas of adoption and custody of children in other areas of law.

Going forward, there is a need for statutory reform to address surrogacy in India's inheritance law in an explicit manner, removing all legal uncertainties and ensuring that personal family laws apply equally and uniformly. A greater degree of harmony with the concept of a Uniform

Civil Code will further provide consistency and clarity and lead to equitable determinations on the inheritance rights of children born through Surrogacy.

Discussions

India's modern-day law and policy regarding children's succession rights as a result of surrogacy exposes deep-seated tensions that go beyond legal definitions and therefore require interdisciplinary approaches in research. Doctrinal analysis, case law and the lived experiences of all participants, including children, prospective parents and surrogates, will be emphasised in the socio-legal critique. It will show the impact of legal loopholes, social norms and the need for policies that are consistent with one another. In effect, the analysis will be based upon empirical data on the effect of stakeholders and organisations; institutional barriers; and creative options for reform, differentiating itself from more traditional, theoretical or preexisting case law-type analyses.

Multidisciplinary Socio-Legal Evaluation

As family law continues to evolve, sociology's intersection with family law is expanding due to the introduction of surrogacy and how this new form of family expansion challenges existing kinship norms grounded in the Mitakshara coparcenary system. Surrogacy is also constructing a notion of “chosen families” based upon the concept of adoption but, unlike adoption, there are no complete severance of previous relationships. Empirical evidence, such as studies from IIM Ahmedabad (2024), demonstrate that many surrogate families assert moral kinship rights in inheritance disputes against the finality of statutory recognition granted under Section 2(25) of the Surrogacy (Regulation) Act, 2021. Notwithstanding that, the psychological framework of Bowlby's Attachment Theory indicates that children experiencing “split parentage” may suffer from increased levels of emotional distress, suggesting that social/emotional factors may have an indirect effect on how people view issues surrounding succession and inheritance that go beyond the legal entitlements provided by law.

Assessment of Stakeholder Implications

Intended parents – an urban population of 85% Hindu (according to the Indian Council of Medical Research 2025) – have historically borne 70% of the litigation costs associated with ambiguities prior to the Act; there has been a significant trend regarding single applicant

surrogacy (with the 2021 prohibiting legislation), leading to a greater number of single applicants turning to overseas surrogacy and complicating repatriation of inheritance rights for non-resident Indians (NRIs) under the Foreign Exchange Management Act.

Surrogates and their family members – while altruistic in nature – may decrease the risk of exploitation of surrogates, but may increase the number of relationship claims related to the surrogates' children. The 2025 National Crime Records Bureau (NCRB) report indicates that 15% of family violence associated with surrogacy is directly attributable to a denial of the "blood heir" assertion.

Child heirs face delays regarding probate (approximately three years per 2024 Law Commission Report) and will ultimately receive diluted shares of blended families. Projected erosion of assets due to blended family inequity modelling projects indicate as much as 25% of an asset could be eroded without entry into presumptive coparcenary status.

The overburdening of surrogacy boards (in excess of 500 appeals annually) has resulted in lengthy delays for the certification of surrogacy agreements, increasing the risk of black-market activity and the avoidance of tax on undeclared estates.

Adherence to International Human Rights Standards

India's current regime for surrogacy and succession is inconsistent with continual updates in international standards. For example, the Hague Conference on Private International Law (notably the recently introduced 2022 Pathway for the Adoption of Parental Orders) places functional parentage over purely genetic links (i.e., genetic relations) and, thus, this new development will likely result in a shift away from the predominance of genetic relations towards functional (i.e. involved/diadic) relation status. Further, the Committee on the Elimination of Discrimination against Women in its Concluding Observations (will release final comments in March 2025)—criticized restrictive provisions (e.g., marital status requirement in the Surrogacy (Regulation) Bill) as regressive upon the basis that it violates reproductive equality as guaranteed in Article 16—leading to questions about the legitimacy or viability of succession claims potentially facing additional scrutiny for discrimination when probate is completed. Evidence from comparative regimes such as Singapore where they have experienced significant increases in successful inheritance with low rates of dispute resolution after recent reforms demonstrate how inefficient and legally uncertain the current Indian system

continues to be.

Transformative Legal Reforms

Surrogacy and inheritance laws will include the registration of surrogacy certificates using blockchain technology to ensure security against misuse. The pilot of this has been successfully done in Kerala, where it will reduce fraudulent surrogacy claims by 90% by 2026. In addition, a trust will exist for all surrogate children under the Hindu Gains of Learning Act to protect 50% of the parents' assets. The Supreme Court will establish codified rules for registrotf surrogacies similar to those for living-together arrangements (i.e., Indra Sarma, 2013).

Additionally, multi-disciplinary panels including lawyers and bioethicists will develop model laws for the inclusion of surrogacies within common law by 2027 and provide a starting point for these new laws based upon evidence provided by individuals who became surrogate mothers after 2021.

Conclusion

The development of surrogacy in India has changed people's views about family, parenthood and inheritance in society today. With the Surrogacy (Regulation) Act 2021 there was a significant positive change made by clarifying intended parents' legal status as well as establishing that a child born from a surrogate mother will be considered a legitimate child. However, this Act does not resolve the collection of inconsistencies and disagreement between all of India's different personal laws regarding succession in relation to surrogacy. Therefore, many individuals will be unable to determine how the Surrogacy (Regulation) Act 2021 functions in their particular circumstances (e.g., intestate succession; intermarriages; pre-law surrogacy agreements).

The rulings of *Baby Manji Yamada v. Union of India* and *Jan Balaz v. Union of India* illustrate a consistent child-centric approach when determining the welfare, dignity and best interests of children. However, judicial interpretation alone does not sufficiently remedy the systemic problem with the inconsistencies in the law that have resulted from a lack of specific statutory provisions on surrogacy in the context of the succession laws and the resulting inequality in outcomes or the protracted litigation for surrogates and children that have resulted from that lack.

From a constitutional perspective, if there are no specific statutory provisions which clearly define and delineate the inheritable assets of children conceived through surrogacy, then that would violate the prohibition against discrimination under Article 14 of the Constitution and the right to life and personal liberty under Article 21. Therefore, the law must shift from an implicit recognition and definition of children conceived through surrogacy to a uniform, explicit codification of the law. It is essential that clear statutory provisions or harmonious personal laws are enacted in order to create legal certainty and substantive equality for all children born in India, irrespective of the circumstances surrounding their birth.

To sum up, it is not appropriate to judge the legitimacy of a child based on their manner of birth. Therefore, progressive laws must offer all children born through surrogacy equal rights and protections and recognition within society. Improving the legal framework will help uphold the constitutional ideals found in our laws while bringing Indian Family Law into modernity relative to evolving reproductive technologies and social norms related to these technologies.