

Surrogacy Regulation and Reproductive Autonomy in India

Amit Kumar Akela¹ and Dr. Dhiraj Kumar Mishra²

Research Scholar, Department of Law¹

Assistant Professor, Department of Law²

Tilka Manjhi Bhagalpur University, India

Abstract: This study examines the regulation of surrogacy in India with a specific focus on reproductive autonomy, ethical and social narratives, and evolving judicial and policy discourses. Using a qualitative research design based on content analysis, the study analyzes constitutional provisions, statutory frameworks—particularly the Surrogacy (Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Act, 2021—along with relevant judicial decisions and scholarly literature published between 2020 and 2025. The findings reveal that while the current legal regime aims to prevent exploitation and protect surrogate mothers and children, it simultaneously imposes restrictive eligibility criteria that significantly influence personal reproductive decision-making. Ethical narratives surrounding altruistic surrogacy reflect concerns of dignity and morality but also raise questions regarding women's agency and inclusivity. Judicial interpretations demonstrate a gradual expansion of reproductive rights under Article 21, yet persistent gaps remain between constitutional ideals and statutory regulation. The study concludes that Indian surrogacy law reflects an ongoing tension between regulation and autonomy, underscoring the need for a more inclusive, rights-based legal approach.

Keywords: Surrogacy Regulation; Reproductive Autonomy; Altruistic Surrogacy; Constitutional Rights; Judicial Interpretation; India