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# **WOMBS FOR RENT: A FEMINIST CRITIQUE OF COMMERCIAL SURROGACY IN INDIA**

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## **I. Introduction**

In recent years, the intricate practice of commercial surrogacy has ignited a profound debate, engendering multifaceted discussions surrounding its ethical, legal, and societal implications. Within this expansive discourse, India has risen as a prominent nucleus of surrogacy tourism, witnessing a steady surge in both surrogacy clinics and surrogate mothers. Fundamentally, surrogacy entails a woman's consent to carry a pregnancy to term and bring forth a child on behalf of individuals or couples grappling with infertility. In the Indian context, the evolution of commercial surrogacy, punctuated by financial transactions between surrogate mothers and intended parents, has given rise to profound concerns, particularly those revolving around the potential commodification of women's bodies and the inherent exploitative tendencies ingrained within the industry.

This paper is a dedicated endeavour aimed at presenting a comprehensive feminist critique of the phenomenon of commercial surrogacy within the Indian landscape. The exploration pivots around three pivotal domains: a discerning analysis of the regulatory framework governing commercial surrogacy, the intricate ethical conundrums that inevitably emerge, and the far-reaching consequences that unfurl, resonating with women's rights and autonomy. A feminist perspective assumes paramount significance in dissecting the intricacies of commercial surrogacy, peeling back layers to reveal entrenched power differentials that underscore the relationship between surrogate mothers and the agents orchestrating the surrogacy process. Feminist theorists posit that commercial surrogacy perpetuates and magnifies prevailing patriarchal norms, relegating women to the objectified status of vessels rather than autonomous agents. As a consequence, a comprehensive feminist critique of commercial surrogacy within the Indian context emerges as an imperative, serving as a bulwark to shield women's rights and to pre-empt the commercialization of their bodies for financial gain.

The crux of this paper resides in its overarching thesis—an unwavering commitment to meticulously scrutinize the legal architecture that envelopes commercial surrogacy in India, the lens inevitably coloured by a feminist perspective. The inquiry embarks on an ardent exploration of the labyrinthine regulatory mechanisms governing commercial surrogacy, with an acutely focused magnifying glass on the Surrogacy (Regulation) Act of 2021<sup>1</sup>. Expanding the purview, the paper further delves into the labyrinth of ethical and societal implications that invariably thread their way through the intricate fabric of commercial surrogacy, critically assessing its ramifications on women's autonomy and rights.

The exegesis of this discourse unfurls through a tapestry of six distinct segments, each contributing a unique facet to the cumulative narrative. Embarking with an incisive overview of the landscape of commercial surrogacy in India, underscored by an eloquent rationale for the pressing need for a feminist critique, the narrative naturally segues into an exploration of the historical and cultural underpinnings that have ushered surrogacy into the Indian milieu. This historical backdrop acts as a potent prologue, setting the stage for a deeply resonant feminist analysis of commercial surrogacy—an incisive dissection of its exploitative contours, the stark power imbalances, and the glaring regulatory fissures that stand sentinel within the industry. Fluidly transitioning, the inquiry then delves into the intricate legal dimensions of commercial surrogacy in India, casting a spotlight on the formidable Surrogacy (Regulation) Act of 2021.

Within this framework, a significant turning point emerges—an in-depth analysis of the Baby Manji Yamada case, an emblematic illustration offering a lens to inspect both the legal and ethical dimensions of commercial surrogacy within the Indian context. This exploration serves as an anchor, tethering theoretical deliberations to the tangible ramifications that the intricate tapestry of surrogacy can unfurl. Culminating with a succinct yet potent synthesis, the paper distils key insights garnered from the diverse spectrum of inquiry, extending these insights to inform potential policy and practice considerations.

In summation, the crux of this paper is poised at the precipice of an incisive feminist examination of commercial surrogacy within the Indian sphere—a critical journey that traverses its nuanced dimensions, dissects its ethical and legal implications, and, above all,

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<sup>1</sup> Surrogacy (Regulation) Act, 2021 (Act 47 of 2021)

resounds as a clarion call to uphold women's rights and autonomy in the face of a complex and multifaceted reality.

## **II. Background and Literature Review**

The practice of surrogacy in India is deeply rooted in a historical tapestry that dates back to ancient Hindu texts, where it was regarded as a means to fulfil the aspirations of infertile couples yearning for parenthood. However, the contours of surrogacy have evolved significantly, propelling India to the forefront of the global stage as a prominent hub for commercial surrogacy. Driven by its relatively affordable costs and lenient regulatory environment, the nation experienced a seismic surge in its surrogacy industry during the early 2000s, attracting a multitude of Western couples who embarked on journeys to India, seeking the assistance of surrogate mothers.

Nevertheless, the seemingly boundless expanse of India's surrogacy industry has become a crucible of intense debates and fervent concerns, particularly regarding the potential for the exploitation of women, especially those emanating from socioeconomically marginalized backgrounds. The commercial facet of surrogacy has triggered a chorus of critique, with many asserting that it reduces women's bodies to mere instruments for birthing and disregards their comprehensive well-being and health.

In response to the imperative of reining in the surrogacy landscape, the Indian government embarked on a journey marked by the introduction of a series of bills and guidelines over the years. The culmination of these efforts materialized with the passage of the Surrogacy (Regulation) Act in 2021, a landmark development that gained the seal of approval from the Lok Sabha, the lower house of the Indian parliament, in March of that year. This legislative stride endeavours to clamp down on commercial surrogacy, reserving the terrain solely for altruistic purposes. The ambit of the act is circumscribed to encompass exclusively heterosexual couples with a marital history extending over a minimum of five years, grappling with infertility. To augment the safeguarding of interests, the act meticulously outlines a labyrinth of prerequisites for surrogate mothers, encompassing age thresholds and exacting medical fitness criteria.

The emergence of the Surrogacy (Regulation) Act of 2021 has elicited a *mélange* of responses from diverse quarters, with feminist activists and scholars occupying pivotal spaces within this

discourse. While a segment of voices resonates with applause, heralding the act as a formidable stride towards regulation and the protection of surrogate mothers' rights, an opposing camp vehemently criticizes the legislation, brandishing it as an instrument of constraint infused with patriarchal hues, thereby compromising women's agency and autonomy.

Embarking on a meticulous journey through the annals of literature spotlighting commercial surrogacy in India, when viewed through a feminist prism, is to traverse a landscape rife with an amalgamation of concerns and critiques. Foremost amongst these is the poignant debate revolving around the commodification of women's bodies—a polarizing phenomenon that transmutes women into mere conduits of reproduction, obliterating their autonomy and inherent dignity<sup>2</sup>. According to the vantage point espoused by feminists, the contours of commercial surrogacy accentuate gender stereotypes, propelling the notion that women's corporeal forms are amenable to being reduced to commodities<sup>3</sup>, merely accessible for transactions involving purchase and sale.

A critical chord struck by feminist discourse resounds in the domain of power dynamics<sup>4</sup> ingrained within surrogacy arrangements. The canvas frequently portrays surrogate mothers drawn from marginalized contexts, ensnared within a web of vulnerability that obstructs their capacity to negotiate fair terms of recompense and treatment. The cascade of consequences extends to invasive medical procedures, psychological turmoil, and ostracization, encumbering surrogate mothers with the weight of a compromised agency, all in the absence of robust legal and societal safeguards.

Furthermore, the crosshairs of feminist critique shift towards the legislative scaffold that underpins surrogacy in India, pivoting to the Surrogacy (Regulation) Act of 2021 itself. The critique lodged against this legislative edifice emanates from its myopic focus on the procedural regulation of surrogacy arrangements. This perspective contends that a holistic and comprehensive approach is a sine qua non, a vantage point that necessitates the contemplation of an intricate web of interplaying factors—social, economic, and political—imbued within the

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<sup>2</sup> Richard J. Arneson, "Commodification and Commercial Surrogacy" 21(2) *Philosophy & Public Affairs* 132-164 (1992).

<sup>3</sup> Elizabeth S. Scott, "Surrogacy and the Politics of Commodification." 72 *Law and Contemporary Problems* 109-146 (2009).

<sup>4</sup> Patricia Bayer Richard, "Rights, Relationships, Class, and Gender: Issues in the Politics of Surrogate Contracts" 8(2) *Politics and the Life Sciences* 211-215 (1990).

surrogacy landscape. This comprehensive prism accentuates the multifaceted tapestry enshrouding the implications on women's rights and holistic well-being.

As the curtain draws on this juncture, it is evident that the discourse spanning the terrain of surrogacy in India is an intricate and layered narrative. The historical tapestry and the legal framework encapsulated by the Surrogacy (Regulation) Act of 2021 serve as key chapters within this larger narrative. Concurrently, the feminist analysis injected into this discourse unearths a trove of concerns, ranging from the commodification of women's bodies to the exploitation engendered by unequal power dynamics. A tapestry laden with complexities and nuances unfolds, underscoring the need for continual dialogue and deliberation. The subsequent trajectory of this discourse converges upon a trenchant feminist critique of commercial surrogacy in India, unravelling its multifarious implications on women's autonomy and rights.

### **III. Feminist Critique of Commercial Surrogacy in India**

Feminist viewpoints on the commodification of women's bodies have traversed the annals of time, steadfastly asserting that the human form transcends the contours of commodities. This philosophical stance holds steadfast against the transactional exchange of reproductive services, decrying its potential to perpetuate exploitation. At the nexus of this discourse stands the critique of commercial surrogacy in India—a manifestation of this very apprehension. It unfurls a disconcerting reality: the instrumentalization of women's bodies to serve as vessels for financial gain<sup>5</sup>. This terrain is underpinned by a constellation of concerns, delving into the intricate ethical and moral dimensions that underlie the commodification of human reproduction, and the latent peril of profit-driven motives eclipsing the intrinsic rights and well-being of surrogate mothers.

Embarking on a temporal trajectory, the past decade has witnessed the meteoric ascent<sup>6</sup> of commercial surrogacy in India, a phenomenon partly attributed to the nation's reputation as a repository of cost-effective, top-tier reproductive solutions. Yet, this exponential popularity surge has inadvertently exposed a labyrinth of predicaments. Within this landscape looms the

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<sup>5</sup> Amrita Pande, "Commercial Surrogacy in India: Manufacturing a Perfect Mother-Worker." 35(4) *Signs* 969-992 (2010).

<sup>6</sup> Vida Panitch, "Commodification and Exploitation in Reproductive Markets: Introduction to the Symposium on Reproductive Markets." 33(2) *Journal of Applied Philosophy* 117-124 (2016).

harrowing spectre of women's exploitation, an issue magnified by the origin of a significant fraction of surrogate mothers from economically marginalized backgrounds. This demographic is frequently coerced into the practice by the throes of financial destitution. Alarming narratives abound—tales of women ensnared by duplicitous recruitment agents or clinics that obfuscate the true nature of the surrogacy role, or stories of women compelled into signing contracts laden with bewildering clauses<sup>7</sup>. Alas, the narrative continues with accounts of surrogate mothers being denied adequate medical care or equitable compensation for health complications entwined with the surrogacy journey.

Interwoven into this fabric of concern is the pervasive power asymmetry prevailing between surrogate mothers and commissioning parents. The surrogate is ensnared in a web of vulnerability, shackled by financial dependence on either commissioning parents or surrogacy clinics<sup>8</sup>. This lopsided power dynamic can culminate in the silent obliteration of surrogate mothers' rights, rendering them voiceless in advocating for their own interests. An even more egregious outcome materializes—the objectification of surrogates as commodities or "rented wombs," thereby relegating them to mere vessels devoid of agency and individual rights.

However, the tapestry of concern extends further, finding its continuation in the glaring vacuum of robust regulatory mechanisms. Before the advent of the Surrogacy (Regulation) Act in 2021, commercial surrogacy in India was undergirded by an unsettling regulatory void. This regulatory negligence catalyzed a cascade of abuses, spanning from perilous medical procedures to the blatant exploitation of women, and even culminating in the reprehensible act of trafficking infants birthed through surrogacy.

Navigating this labyrinthine landscape of commercial surrogacy demands a nuanced comprehension of the manifold implications for women's autonomy and rights. Indeed, surrogacy can conceivably furnish a conduit toward financial empowerment and a semblance of bodily control for women. Yet, paradoxically, the practice could inadvertently reinforce the very patriarchal norms that the feminist discourse seeks to dismantle. A seismic moral query reverberates—what are the ethical implications of leveraging advanced reproductive

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<sup>7</sup> D. Munjal-Shankar, "Medical Tourism, Surrogacy & the Legal Overtones - the Indian Tale" 56(1) *Journal of the Indian Law Institute* 62-77 (2014).

<sup>8</sup> Mary Lyndon Shanley, "Surrogate Mothering' and Women's Freedom: A Critique of Contracts for Human Reproduction." 18(3) *Signs* 618-639 (1993).

technologies to engineer human reproduction? This question assumes an even more trenchant dimension, spotlighting the inadvertent marginalization of specific subsets of women.

A critical feminist perspective poised to dissect commercial surrogacy in India is inexorably drawn into a maelstrom of these multifaceted concerns. At its core, it warrants the elevation of surrogate mothers' rights and dignity to an inviolable pedestal<sup>9</sup>. Concurrently, this perspective must be open to the potent capacity of surrogacy to confer empowerment upon women willingly embracing the practice. The forging of a feminist regulatory architecture for surrogacy in India necessitates an intricate ballet of principles—a simultaneous commitment to protect women's autonomy and rights while navigating the intricate tapestry woven by these complexities.

In summation, the critique of commercial surrogacy in India, rooted in feminist ideologies, has unfurled a tableau of profound significance. This discourse casts a critical light upon the act of commodifying women's bodies for financial gain. A delicate choreography emerges, one that seeks to navigate the entangled dimensions of ethics, power dynamics, and autonomy, underpinned by the overarching imperative to safeguard the rights and dignity of surrogate mothers. As the discourse evolves, the feminist perspective remains a steadfast sentinel—championing a future where surrogacy is enmeshed in a fabric of equality, empowerment, and agency for all stakeholders involved.

#### **IV. Legal Aspects of Commercial Surrogacy in India**

The realm of legal oversight surrounding commercial surrogacy in India has emerged as a focal point of intense debate and critical analysis in recent times. In the year 2021, a pivotal juncture was marked by the Indian government's enactment of the Surrogacy (Regulation) Act, an endeavour aimed at the meticulous regulation and oversight of the burgeoning surrogacy landscape within the country. This section undertakes the task of offering an overarching view of the principal tenets encompassed within this Act, subsequently dissecting and scrutinizing its essence through the discerning lens of feminism.

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<sup>9</sup> Alan Wertheimer, "Two Questions About Surrogacy and Exploitation." 21(3) *Philosophy & Public Affairs* 211-239 (1992).

At its core, the Surrogacy (Regulation) Act of 2021<sup>10</sup> unequivocally outlaws commercial surrogacy, reserving space solely for altruistic surrogacy amongst Indian citizens. This altruistic variant is demarcated by its characteristic absence of monetary recompense or any form of pecuniary gain for the surrogate mother, with her compensation solely limited to the coverage of medical expenditures and insurance during the pregnancy. The Act delineates a comprehensive array of eligibility requisites for both surrogate mothers and intended parents, further bestowing a structured framework for the legal recognition of children who were given birth through surrogacy. To facilitate the effective implementation of the Act, the establishment of a National Surrogacy Board and State Surrogacy Boards has been enshrined, tasked with the onus of vigilantly supervising its execution.

Prima facie, the Act appears to represent a constructive stride forward in the pursuit of effectively regulating and monitoring India's surrogacy domain. However, critical discourse has engendered scrutiny on multiple fronts. Firstly, the Act has been scrutinized for its implicit encroachment upon women's autonomy, constrained by limitations that impede their volition to participate in commercial surrogacy arrangements. This holds particularly perturbing implications in a socio-economic landscape marred by disparities, where a significant portion of women might contemplate surrogacy as a pragmatic avenue to address financial exigencies.

Secondly, the Act has been critiqued for its inherent shortcomings in ensuring robust protection for surrogate mothers. While the Act mandates provisions about medical expenses and insurance coverage throughout the pregnancy phase, it markedly falls short in addressing other pivotal aspects, such as the surrogate mother's right to decline medical procedures and the tangible risk of exploitation perpetuated by intended parents. Furthermore, the legislation fails to incorporate safeguards that cater to the mental and emotional well-being of surrogate mothers, who grapple with the prospect of psychological turmoil and stress stemming from the entire surrogacy process.

Analyzing the Surrogacy (Regulation) Act of 2021 from a feminist vantage point, an unsettling undercurrent emerges—one that entwines patriarchal paradigms dictating perceptions of women's bodies as entities subject to regulation and control. This dynamic comes to the fore through the Act's delineation of altruistic surrogacy, overlooking the intricate economic realities and power differentials that may indelibly shape the surrogacy narrative between

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<sup>10</sup> Surrogacy (Regulation) Act, 2021 (Act 47 of 2021)



intended parents and surrogate mothers. The disconcerting facet lies in the legislation's inherent failure to acknowledge that women often stand at the crossroads of marginalization in India, emanating from factors such as gender, caste, and economic status.

Furthermore, a persistent critique revolves around the Act's inability to holistically address the rampant exploitation of surrogate mothers. The absence of stringent regulation has spawned instances where women are coerced into becoming surrogates against their will or are subjected to deplorable living conditions during the course of their pregnancies. The Act must assume a more proactive role in devising safeguards that protect the rights and well-being of surrogate mothers.

Lastly, the Act falls short of aligning itself with globally accepted human rights benchmarks. The United Nations Declaration on Human Rights fundamentally acknowledges the right to family life and the concomitant right to establish a family, inclusive of the right to parenthood through surrogacy. In stark contrast, the Surrogacy (Regulation) Act of 2021 delineates a framework that significantly constrains the right to surrogacy, permitting solely altruistic surrogacy and imposing rigid benchmarks for the eligibility of intended parents.

To conclude, the Surrogacy (Regulation) Act of 2021 has undoubtedly emerged as a juncture of considerable controversy and contention within the landscape of legal governance for commercial surrogacy in India. While ostensibly charting a course towards regulatory prowess and meticulous oversight, the Act stands subject to criticism on diverse counts. It has been flagged for its potential to curtail women's autonomy and its failure to furnish robust safeguards for surrogate mothers. Concurrently, its departure from international human rights standards and its subtle reinforcement of patriarchal ideals warrant a more comprehensive discourse and dialogue. This discourse becomes the cornerstone of a trajectory that seeks to carve a feminist, inclusive, and rights-centric legal framework for surrogacy in India, safeguarding the autonomy and rights of every stakeholder in this multifaceted realm.

## **V. Case Study: The Baby Manji Yamada Case**

The Baby Manji Yamada Case<sup>11</sup>, a legal milestone with far-reaching ramifications, has unfurled the intricate tapestry of legal and ethical intricacies that envelop commercial

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<sup>11</sup> D. Munjal-Shankar, "Commercial Surrogacy in India: Vulnerability Contextualised" 58(3) *Journal of the Indian Law Institute* 350-366 (2016)

surrogacy in India. This section embarks upon an exhaustive exploration, delving into the case's historical backdrop, the factual framework, its intricate legal and ethical dimensions, and the indelible imprint it has left on the landscape of women's rights, all through the perceptive lens of feminism.

### **Background and Facts of the Case**

The crux of the Baby Manji Case resides in the narrative of a Japanese couple, Ikufumi and Yuki Yamada, who delved into a surrogacy agreement with an Indian surrogate mother. As the surrogate mother progressed through pregnancy, a divorce between the Yamadas intervened, orchestrating a twist that had profound ramifications. A child, christened Baby Manji, was poised to enter the world, yet fate bestowed upon her the designation of statelessness—an outcome arising from the non-recognition of surrogacy by Japan and India's refusal to confer citizenship upon offspring borne through surrogate means.

The case unfurled into a legal imbroglio, with the Yamadas vying for custody of Baby Manji, while the surrogate mother contended for compensation for her role in gestation. Adding layers of complexity was the surrogate mother's decision to relocate to a different Indian state, entangling the proceedings in a jurisdictional web.

Ultimately, the Yamadas emerged triumphant, securing custody of Baby Manji and transporting her to Japan. The case, however, was anything but a mere legal spectacle—it morphed into a platform that cast a glaring spotlight on the multifaceted legal and ethical quandaries that underlie commercial surrogacy in India.

### **Legal and Ethical Implications of the Case**

The Baby Manji Case serves as an illuminating prism through which the intricate skein of legal and ethical challenges inherent in Indian commercial surrogacy is exposed. It lays bare the absence of coherent legal frameworks orchestrating surrogacy within the nation, effectively inviting the spectre of surrogate mother exploitation. The case serves as a telling reminder of the pitfalls tied to international surrogacy agreements; a domain fraught with complexity due to incongruities in surrogacy laws across different countries.

A pivotal legal implication of the case reverberates through the palpable urgency for lucid and

comprehensive legal guidelines steering surrogacy in India. The case's reverberations amplified the necessity for robust safeguards for surrogate mothers and children birthed through surrogacy, alluding to the inherent deficiencies that previously scarred the legal landscape. This marked the nascent step towards the introduction of the Surrogacy (Regulation) Act in 2021, an endeavour to instate regulatory governance in the surrogacy milieu.

Moreover, the case projects a stark ethical canvas, questioning the commodification of women's bodies for pecuniary gain. The ordeal faced by surrogate mothers, often emblematic of marginalized and vulnerable demographics, unveils the dark underbelly of exploitation that can transpire within commercial surrogacy arrangements. The absence of a protective mantle for these surrogate mothers, exacerbated by the absence of rights, intertwines with ethical concerns, necessitating a feminist lens for surrogacy regulation.

### **Feminist Perspectives on the Case and its Impact on Women's Rights**

From a feminist standpoint, the Baby Manji Case unveils a narrative underscored by the stark power differentials and exploitation entrenched within the sphere of commercial surrogacy arrangements. These surrogate mothers, often hailing from socioeconomically challenged backgrounds, find themselves ensnared in an exploitative dynamic that hinges upon the utilization of their bodies as a transactional entity<sup>12</sup>, one that furthers the interests of privileged individuals or couples. This stark power imbalance is a clarion call for a feminist critique of commercial surrogacy—one that pivots on centering the rights and experiences of women.

The case reverberates with nuanced implications for women's rights and autonomy, painting a vivid portrait of the vulnerability of women's bodies in the throes of commercial surrogacy. The dearth of protective measures, coupled with the absence of rights in the commercial surrogacy framework, renders women's bodies susceptible to commodification and exploitation, casting a sombre shadow upon their autonomy. It amplifies the exigency for a feminist-driven approach to surrogacy regulation that vehemently champions women's rights and autonomy, surrogate mothers included.

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<sup>12</sup> Jennifer Parks, "Feminist Issues in Domestic and Transnational Surrogacy: The Case of Japan." 7(2) *International Journal of Feminist Approaches to Bioethics* 121-143 (2014).

## **Conclusion**

In a resounding finale, the Baby Manji Yamada Case stands as a testimony to the intricate labyrinth that characterizes the legal and ethical nuances enveloping commercial surrogacy in India. Its narrative articulates an impassioned plea for coherent regulations and guidelines that safeguard the rights and interests of all stakeholders. Moreover, it serves as an echo of the imperative to adopt a feminist vantage point when navigating the multifaceted terrains of surrogacy regulation, with an unwavering focus on women's rights.

In essence, the Baby Manji Case remains an indelible chapter, embodying a call for comprehensive discourse and dialogue that culminates in a regulatory framework that champions the principles of feminism, inclusivity, and the unwavering protection of the rights and autonomy of every individual embroiled within the surrogacy narrative.

## **VI. Conclusion**

In conclusion, this paper has meticulously undertaken a critical examination of the intricate legal framework governing the realm of commercial surrogacy in India, approached through the discerning prism of feminist analysis. The synthesis presented within these pages has deftly illuminated the profound issue of commodifying women's bodies and has underscored the exigency of instating a discerning feminist critique of commercial surrogacy within the Indian context.

Embarking on its scholarly journey, this paper embarked on laying a robust foundation, wherein it elucidated a panoramic overview of the dynamics encapsulating commercial surrogacy in India, unravelling its problematic dimensions. From this outset, the discourse seamlessly transitioned to an exploration of the historical and cultural substrates underpinning surrogacy in the Indian milieu, subsequently pivoting toward a comprehensive survey of the prevailing legal architecture governing surrogacy in India—a legal terrain prominently marked by the Surrogacy (Regulation) Act, 2021.

With the spotlight adroitly cast, the feminist critique of commercial surrogacy in India took centre stage. This critical lens was adeptly directed toward a trinity of pivotal concerns—the stark exploitation of women, the pervasive presence of lopsided power dynamics, and the glaring absence of robust regulation within the surrogacy industry. As the discourse delved

deeper, it unfurled the intricate tapestry of consequences etched upon women's rights and autonomy, thereby accentuating the pressing urgency for an overhauled legal framework—one that deftly interlaces the interests of all stakeholders involved.

Navigating the intricate nuances of the legal facets, the paper subsequently embarked upon an exhaustive dissection of the Surrogacy (Regulation) Act, 2021. This analysis was imbued with a potent feminist lens, which inherently underscores the need for equitable empowerment and emancipation. The Act bore the brunt of scrutiny, with its limitations vis-à-vis women's autonomy and the dearth of substantive safeguards for surrogate mothers prominently thrust into the spotlight. A trenchant examination of the Act's alignment with international human rights benchmarks further elevated the discourse, accentuating the need for a more steadfast adherence to these foundational principles within the context of surrogacy regulation.

An illustrative exemplar—The Baby Manji Yamada Case—served as a tangible testament to the multifaceted legal and ethical intricacies entwined within the realm of commercial surrogacy in India. The case study augments the conversation, offering a microcosmic insight into the complexities and ethical conundrums that underscore surrogacy arrangements. The ensuing analysis dissected the case's implications through a feminist prism, thereby augmenting the discourse surrounding women's rights within the surrogacy milieu.

Summating this odyssey, the paper accentuates the exigency of a resolute feminist underpinning in the regulation of surrogacy within the Indian context. Conclusively, the present legal framework governing commercial surrogacy is demonstrated to be wanting, necessitating a recalibration that staunchly safeguards the rights and dignity of surrogate mothers, while simultaneously eradicating the spectre of exploitation.

In the realm of policy and practice, the paper propounds a series of imperative implications. Foremost among them is the clarion call for heightened transparency and accountability within the precincts of commercial surrogacy regulation in India. Additionally, an invigorated legal framework—one that resonates with the voices of feminist scholars and activists—is indispensable, with its contours designed to traverse the intricate landscape of women's rights and autonomy.

Ultimately, the paper extends its resounding plea for an ongoing continuum of research and advocacy, serving as an imperative mandate for policymakers, academics, and advocates to

proactively engage in a sustained dialogue regarding commercial surrogacy in India. By enlisting the collective insights of diverse stakeholders, a resplendent mosaic can emerge—a legal framework that stands as a testament to justice, equity, and human rights, thereby ensuring the practice of surrogacy in India remains a sanctum of safety, ethics, and empowerment for all parties involved. In this ongoing narrative, the clarion call of feminism resonates, acting as an indomitable compass steering us toward a future suffused with equitable vibrancy.