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## EXPLORING THE DYNAMICS OF ADOPTION AND SURROGACY – A COMPREHENSIVE STUDY

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Satyam Prakash, B.A. LL.B. (Hons.), Chanakya National Law University, Patna

### ABSTRACT

This research article is based upon the detailed study of Adoption and Surrogacy both with mentioning of its definition, various legal framework which are being provided, its history and evolution, various cultural norms which are related to adoption and surrogacy, medical aspects and rights given to LGBTQ+ community with some of the important judgements.

One can easily understand the basic structure of Adoption by reading its definition mentioned in the Legal Dictionary by Merriam-Webster. Several provisions are also mentioned in this study such as Hindu Adoption and Maintenance Act, 1956, Hindu Marriage Act, 1955, Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, etc. Whereas Surrogacy is far different from the process of adoption where a woman carries and delivers a baby for someone else as a gestational carrier. Surrogacy is being governed by the Surrogacy (Regulation) Act, 2021 which sets the eligibility criteria for surrogacy and also protects the rights of Surrogate mothers and also bans the process of commercial surrogacy which is mentioned in more detailed form in the subsequent chapters.

Surrogacy and Adoption is quite a debatable thing in LGBTQ+ community there are various law and judgement present which talks different-different things about it a detailed analysis about it is also mentioned in this study in the subsequent chapter.

Surrogacy and Adoption is not a common practice in India and relates it a matter of social pride as most part of the society sees it as a taboo as a result of it there are various cultural norms which are being present in the society. So, this research study also delves in the realm of cultural and social factors relating to it with mentioning of its medical aspects as well.

Nothing can be done overnight, everything has its own significance and history and evolution related to it. This research study also delves into the realm of how the process of adoption and surrogacy changed over the time and how the laws present in the current times evolved

**Keywords:** Adoption, Surrogacy, LGBTQ+, Commercial, Medical, Cultural.

## INTRODUCTION

### ADOPTION

‘The bond that links your true family is not one of blood, but of respect and joy in each other’s life’<sup>1</sup>. Legal adoption involves willingly accepting a child from different parents as one's own child, typically following formal legal processes<sup>2</sup>.

Adoption involves legally assigning parental status to an individual who is not biologically or legally their child. The purpose of adoption originated from the need to provide orphaned, abandoned, or surrendered children with a family and the associated rights

In India, there exist two laws pertaining to adoption:-

- i. The Hindu Adoption and Maintenance Act, 1956.
- ii. The Juvenile Justice (Care and Protection of Children) Act, 2000.

Section 7<sup>3</sup> of the Hindu Adoption and Maintenance Act<sup>4</sup> (HAMA) outlines the prerequisites for Hindu males to adopt a child, while section 8<sup>5</sup> of HAMA delineates the conditions for Hindu females to undertake adoption. It’s noted that the term “Hindus” encompasses Buddhists, Jains and Sikhs as well<sup>6</sup>.

‘Adoption involves the permanent separation of the adopted child from their biological parents, leading to the establishment of a legal parent-child relationship with the adoptive parents, entailing all associated rights, privileges, and responsibilities’<sup>7</sup>.

In India, there aren't distinct adoption laws for Muslims, Christians, and Parsis, so they must seek legal adoption through the Guardians and Wards Act, 1890<sup>8</sup>. In Islam, adoption is known as 'Kafala' and is tightly regulated with strict rules aimed at maintaining biological lineage.

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<sup>1</sup> Richard Bach, *Messiahs handbook: reminders of the advanced soul: the lost book from illusions* (2004).

<sup>2</sup> Legal Dictionary – Merrian-Webstar.

<sup>3</sup> Hindu Adoption and Maintenance Act, 1956, Sec. 7.

<sup>4</sup> Hindu Adoption and Maintenance Act, 1956.

<sup>5</sup> Hindu Adoption and Maintenance Act, 1956, Sec. 8.

<sup>6</sup> Hindu Marriage Act, 1955, Sec. 2(b).

<sup>7</sup> Juvenile Justice (Care and protection of Children) Amendment Act, 2006, Sec. 2(aa).

<sup>8</sup> Guardians and Wards Act, 1890.

Therefore, adoptive parents, instead of assuming traditional parental roles, function more as guardians.

## **SURROGACY**

Surrogacy involves a situation where a woman agrees to bear and deliver a child for another individual or couple, known as the intended parent/s, on their behalf.

A surrogate, sometimes referred to as a gestational carrier, is a woman who carries and delivers a baby for someone else. The regulations for surrogacy in India are outlined in The Surrogacy (Regulation) Act, 2021<sup>9</sup>. There are two distinct types of surrogacy:-

- i. Altruistic Surrogacy - This particular form of surrogacy entails no financial remuneration for the surrogate mother, apart from covering medical expenses and providing insurance coverage throughout the pregnancy<sup>10</sup>.
- ii. Commercial Surrogacy - In instances of this form of surrogacy or its associated processes pursued for financial gain surpassing fundamental medical costs and insurance provisions<sup>11</sup>.

Now, both adoption and surrogacy offer unique avenues to becoming parents, each with its own set of complexities and consequences. Adoption entails legally assuming parental responsibilities for a non-biologically related child, providing an opportunity for those unable to conceive naturally to experience parenthood. It involves navigating through legal, emotional, and cultural dimensions. Conversely, surrogacy involves a woman carrying and delivering a child for another person or couple, using either their genetic material or that of a donor. Surrogacy establishes a more direct biological link to the child but comes with intricate legal and ethical considerations, especially concerning the surrogate's rights and the intentions of all parties involved. This analysis will explore the various facets of both adoption and surrogacy, shedding light on their resemblances, disparities, and the factors individuals or couples might contemplate when choosing between the two paths to parenthood.

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<sup>9</sup> The Surrogacy (Regulation) Act, 2021.

<sup>10</sup> The Surrogacy (Regulation) Act, 2021, Sec 2(b).

<sup>11</sup> THE SURROGACY (REGULATION) ACT, 2021, SEC 2(G).

## **HISTORY AND EVOLUTION OF SURROGACY & ADOPTION**

The historical development of surrogacy and adoption in India is a multifaceted interplay of legal, cultural, and socio-economic factors spanning numerous decades. These practices have experienced notable shifts over time, mirroring changes in societal perspectives, governmental regulations, and advancements in medical technology.

The concept of surrogacy in India has ancient roots, historically practiced informally within communities to aid childless couples. However, it wasn't until the latter part of the 20th century that surrogacy gained legal recognition and advanced medically. In the early 2000s, India emerged as a global center for commercial surrogacy, driven by its relatively affordable healthcare services, skilled medical professionals, and less stringent regulations. This attracted foreign couples, primarily from Western countries, seeking surrogacy arrangements due to lower costs and the availability of willing surrogate mothers.

This burgeoning industry led to debates concerning exploitation, ethical concerns, and the commodification of women's bodies. Issues regarding the lack of legal protections for surrogate mothers and commissioning parents arose, resulting in instances of exploitation and disputes. In response, the Indian government introduced the Assisted Reproductive Technology (ART) Regulation Bill in 2010 to oversee surrogacy arrangements and safeguard the rights of all parties involved. This bill aimed to establish regulations governing surrogacy, including eligibility criteria for commissioning parents and the rights of surrogate mothers. Subsequently, in 2018, the Indian government enacted the Surrogacy (Regulation) Bill, prohibiting commercial surrogacy and limiting it to altruistic purposes, permitting only close relatives to serve as surrogate mothers. This measure aimed to address concerns of exploitation and commodification while prioritizing the well-being of surrogate mothers and children born through surrogacy.

The evolution of surrogacy in India illustrates a shift from unregulated commercial practices towards a more regulated and ethically conscious approach, aligning with global trends in overseeing and protecting reproductive rights.

Adoption has deep historical roots in Indian culture, with evidence of informal adoption practices dating back centuries. Traditionally, adoption was often informal, with children entrusted to relatives or within communities. In modern India, adoption became formalized

through legislative frameworks aimed at regulating the process and safeguarding the rights of adopted children. The Hindu Adoption and Maintenance Act of 1956 provided legal recognition to adoption among Hindus, establishing rules and procedures within the Hindu community. Subsequent legislation, such as the Juvenile Justice (Care and Protection of Children) Act of 2000, extended adoption rights to non-Hindus, enabling secular adoptions by any Indian citizen. These legal reforms sought to streamline the adoption process, broaden eligibility criteria for prospective adoptive parents, and prioritize the best interests of the child.

Over time, adoption in India has shifted towards greater transparency, accountability, and child-centered approaches. Governmental agencies, NGOs, and adoption agencies play crucial roles in facilitating adoptions, conducting home studies, and ensuring compliance with legal requirements. Despite progress, challenges remain, including bureaucratic delays, adoption-related stigma, and regional and communal disparities in adoption rates. Ongoing efforts are underway to raise awareness, simplify procedures, and address societal attitudes towards adoption to ensure timely placements in loving and nurturing families.

## **LEGAL PROVISIONS AND FRAMEWORK DEALING WITH SURROGACY AND ADOPTION**

The legal regulations governing surrogacy and adoption are pivotal in shaping these practices and safeguarding the rights and welfare of all stakeholders involved. In India, specific laws and regulations oversee both surrogacy and adoption processes, demonstrating the nation's dedication to ethical standards and child welfare.

Surrogacy practices in India fall under the jurisdiction of the Surrogacy (Regulation) Act, 2021, which replaced the earlier Surrogacy (Regulation) Bill, 2019. This legislation aims to regulate surrogacy arrangements, protect surrogate mothers' rights, and ensure the well-being of children born through surrogacy. Key features of the Surrogacy (Regulation) Act, 2021 include:-

- **Criteria for Eligibility:** The Act outlines eligibility requirements for intended parents, mandating Indian citizenship, a marriage duration of at least five years, and specific age brackets for both men and women.
- **Ban on Commercial Surrogacy:** The Act prohibits commercial surrogacy, permitting

only altruistic surrogacy arrangements where surrogate mothers are not financially compensated apart from medical expenses and insurance coverage related to pregnancy.

- **Establishment of Regulatory Bodies:** The Act establishes National and State Surrogacy Boards to oversee and regulate surrogacy practices, including clinic registrations and the monitoring of surrogate mothers' well-being.
- **Protection of Surrogate Mothers' Rights:** The Act ensures the protection of surrogate mothers' rights, encompassing access to medical care, insurance coverage, and compensation for lost earnings during the surrogacy period.
- **Regulation of Surrogacy Clinics:** The Act mandates the regulation of surrogacy clinics, necessitating accreditation from the National Surrogacy Board, adherence to specified standards of care, and the maintenance of comprehensive records of surrogacy agreements.

Adoption procedures in India are governed by various laws and regulations, primarily the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Hindu Adoption and Maintenance Act, 1956.

Key elements of the legal framework pertaining to adoption in India include:

- **Eligibility Criteria:** Prospective adoptive parents must meet specific eligibility criteria, including age limits, marital status, and financial stability, which may vary depending on the adoption agency and the child's circumstances.
- **Role of Adoption Agencies:** Authorized adoption agencies, both governmental and non-governmental, facilitate the adoption process by screening prospective parents, conducting home studies, and managing the legal proceedings involved.
- **Central Adoption Resource Authority (CARA):** CARA serves as the central authority responsible for regulating and overseeing adoption activities in India. It maintains a national database of adoptable children and prospective parents, coordinates with adoption agencies, and ensures compliance with adoption laws and guidelines.

- **Inter-country Adoption:** India permits inter-country adoption under specific guidelines outlined by CARA and in compliance with the Hague Adoption Convention. Additional procedures are in place to ensure the best interests of the child and adherence to international adoption standards.
- **Legal Adoption Process:** The legal process of adoption entails obtaining consent from biological parents or relevant authorities, followed by court proceedings to formalize the adoption. Once finalized, adoptive parents assume all rights and responsibilities for the child.
- **Post-Adoption Support:** Adoption agencies and governmental bodies offer post-adoption support and services to adoptive families, including counseling, educational assistance, and guidance in addressing any post-adoption challenges.

In conclusion, the legal provisions and frameworks governing surrogacy and adoption in India are crafted to uphold the rights and interests of all stakeholders, including surrogate mothers, intended parents, and adopted children. These laws are designed to promote ethical practices, transparency, and the overall well-being of children, reflecting India's commitment to fostering a safe and nurturing environment for surrogacy and adoption processes

## **LGBTQ+ COMMUNITIES RIGHTS IN ADOPTION & SURROGACY**

The legal framework surrounding adoption and surrogacy in India has undergone significant transformations in recent years. However, LGBTQ+ communities in the country encounter substantial barriers when it comes to forming families through these means. Despite the pivotal 2018 judgement in *Navtej Singh Johar v. Union of India*<sup>12</sup> decriminalizing homosexuality, a disparity persists between legal acknowledgment and the equitable provision of adoption and surrogacy rights for LGBTQ+ individuals and couples.

Existing adoption laws in India primarily cater to heterosexual couples. The Hindu Adoption and Maintenance Act (HAMA) of 1956, applicable to Hindus, Buddhists, Sikhs, and Jains, utilizes language such as "husband" and "wife," implicitly excluding same-sex couples. The Juvenile Justice Act (JJ Act) of 2000 allows adoption by any citizen but does not address the

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<sup>12</sup> *Navtej Singh Johar vs. Union of India* (2018) 1 SCC 791.

sexual orientation of prospective parents<sup>13</sup>, leading to ambiguity and potential discrimination against LGBTQ+ individuals and couples seeking adoption.

Although single LGBTQ+ individuals theoretically have the right to adopt, they often encounter administrative obstacles and societal prejudice. A 2022 study by the Indian Law Institute underscores the absence of clear guidelines for single LGBTQ+ adoptions, particularly for transgender individuals who may not conform to binary classifications<sup>14</sup>. Moreover, Child Adoption Resource Authorities (CARAs) may harbor implicit biases against LGBTQ+ prospective parents, impeding their adoption prospects.

The Surrogacy (Regulation) Act of 2021 permits only altruistic surrogacy for infertile married Indian couples, explicitly excluding single individuals, live-in couples, and same-sex couples from availing surrogacy services<sup>15</sup>. This exclusion raises concerns about equitable parenthood access and reinforces conventional family structures. Activists argue that sexual orientation should not dictate a couple's capacity to provide a nurturing and secure environment for a child<sup>16</sup>.

Proponents for extending adoption and surrogacy rights to the LGBTQ+ community underscore:

- **The Right to Equality:** The Indian Constitution guarantees equality before the law (Article 14) and prohibits discrimination based on sex (Article 15). Denying LGBTQ+ individuals and couples the right to adopt or access surrogacy contravenes these foundational rights.
- **The Best Interests of the Child:** Research indicates that children raised by same-sex couples thrive just as well as those raised by heterosexual couples<sup>17</sup>. Therefore, the

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<sup>13</sup> Anonza, F. N. (2022). Right to be a parent and heteronormative laws: Aftermath of Navtej Singh Johar judgment. *ILI Law Review*, Summer Issue. ili.ac.in: [https://ili.ac.in/pdf/2.Anonza\\_F.pdf](https://ili.ac.in/pdf/2.Anonza_F.pdf).

<sup>14</sup> Lacunae in law: LGBTQ+ community's right to adoption. (2022, April 13). ORF. <https://ijlmh.com/paper/a-case-for-adoption-rights-for-lgbtq-community-in-india/>.

<sup>15</sup> The Surrogacy (Regulation) Act, 2021. Ministry of Law and Justice, Government of India: <https://www.indiacode.nic.in/bitstream/123456789/17046/1/A2021-47.pdf>.

<sup>16</sup> Surrogacy and Adoption are Not a Gay Rights issue. (2019, June 17). Medium. <https://blog.medium.com/medium-stands-for-lgbtqia-rights-ee4d63e8052e>.

<sup>17</sup> APA Task Force on Sexual Orientation and Gender Identity. (2014). Psychological parenthood. American Psychological Association. <https://www.apa.org/topics/parenting>.



primary focus should be on creating a loving and stable environment conducive to the child's well-being, irrespective of the parents' sexual orientation.

- **Fostering Inclusive Families:** Granting adoption and surrogacy rights to LGBTQ+ individuals and couples enriches societal diversity by recognizing various family structures. It empowers them to experience parenthood and positively contribute to a child's upbringing.

Despite legal challenges aimed at addressing adoption and surrogacy limitations for the LGBTQ+ community, progress remains gradual. Ongoing advocacy endeavors seek legislative amendments to ensure equal rights and dismantle discriminatory practices. Additionally, social awareness initiatives can help combat negative stereotypes associated with LGBTQ+ parenting, fostering greater societal acceptance and inclusion.

## **MEDICAL AND HEALTH ASPECTS**

Both adoption and surrogacy represent distinct routes to parenthood, each involving medical and health considerations for the individuals involved. Having a comprehensive understanding of these aspects is essential for making informed decisions regarding family building through these avenues.

For prospective adoptive parents, obtaining medical information about the adopted child may prove challenging and variable based on the circumstances of relinquishment and the adoption procedure. Adoptive parents are advised to seek available medical records concerning the child, which may include prenatal care details, birth history, diagnosed conditions, and, if known, family medical history<sup>18</sup>. Ensuring that the child is up-to-date on vaccinations is imperative, especially for those in foster care who might not have received all recommended immunizations. Adopted children, particularly those who have experienced neglect or trauma, could benefit from developmental assessments to detect potential delays or needs<sup>19</sup>.

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<sup>18</sup> American Congress of Obstetricians and Gynecologists. (2020). ACOG Practice Bulletin No. 213: Gestational carriers in infertility practice. <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2016/03/family-building-through-gestational-surrogacy>.

<sup>19</sup> Centers for Disease Control and Prevention. (2023). Adoption and foster care health considerations. <https://www.cdc.gov/immigrantrefugeehealth/adoption/index.html>.

Contrarily, surrogacy involves a more intricate medical journey for both intended parents and surrogate mothers.

- **Intended Parents:-**

Intended parents, especially those utilizing their genetic material, may undergo fertility assessments to ascertain the viability of their eggs and sperm, involving hormone tests, semen analysis, and ultrasounds. Preimplantation genetic diagnosis (PGD) allows for screening embryos for certain genetic conditions before implantation, particularly relevant for parents with a family history of genetic disorders. Some surrogacy agencies may mandate intended parents to undergo psychological evaluations to assess their preparedness for parenthood through surrogacy.

- **Surrogate Mother:-**

Surrogates undergo comprehensive medical screenings to ensure their physical and mental fitness for pregnancy, encompassing assessments of reproductive health, overall well-being, and psychological stability. In gestational surrogacy, where the surrogate carries an embryo not genetically related to her, procedures such as in vitro fertilization (IVF) are employed, involving hormone therapy, egg retrieval, embryo creation, and implantation. Surrogates receive regular prenatal care, including check-ups, ultrasounds, and blood tests, to monitor their and the baby's health throughout the pregnancy. The delivery method, whether vaginal or cesarean, depends on the agreed-upon birth plan<sup>20</sup>.

Both intended parents and surrogate mothers may require medication throughout the process, necessitating careful consideration of safety and compatibility. Standard testing for infectious diseases like HIV and hepatitis is conducted for all parties involved to ensure everyone's safety. Given the emotional complexity, support groups or counseling may benefit both intended parents and surrogate mothers throughout the journey.

Adoption and surrogacy represent avenues for family expansion. Understanding the medical and health dimensions associated with each option empowers intended parents and surrogates

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<sup>20</sup> Resolve: The National Infertility Association. (2023). Surrogacy. <https://resolve.org/>.

to make informed decisions and prepare effectively for a healthy and successful family-building endeavor

## **CULTURAL AND SOCIAL INFLUENCES**

In India, adoption and surrogacy are deeply influenced by cultural, social, and economic factors, shaping individuals' attitudes and behaviors towards these practices. These influences are rooted in cultural norms, religious beliefs, societal expectations, and economic circumstances, all of which contribute to the complex landscape of adoption and surrogacy in the country.

- **Adoption:**

Indian culture places significant importance on family lineage and continuity, influencing adoption decisions to prioritize children who can carry on the family name and maintain ancestral traditions. Despite legal advancements, adoption still carries a social stigma in certain parts of India due to traditional beliefs about bloodlines and biological ties, particularly prevalent in conservative or rural communities<sup>21</sup>. Hinduism, the predominant religion, generally views adoption favorably as a noble act with spiritual merit. However, interpretations within Hinduism and other religions like Islam and Christianity vary, affecting societal attitudes towards adoption.

Adoption is often perceived as reflective of social status and reputation, leading families to conform to societal norms and maintain secrecy about adoption, especially if it diverges from traditional family structures. Social networks and community influences significantly shape attitudes towards adoption, with community support or disapproval influencing prospective adoptive parents' decisions and experiences<sup>22</sup>. Public discourse and media portrayal of adoption can impact societal attitudes and awareness, with positive representations helping challenge stigma and promote adoption as a legitimate family-building option.

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<sup>21</sup> Datta, S. *Adoption and Surrogacy in India: Laws, Practice and Legal Process* (1st ed.). Kolkata: Regal Publications, 2018.

<sup>22</sup> Patel, S., & Kaur, G. "Cultural Perspectives on Adoption in India." *Indian Journal of Social Work*, vol. 78, no. 4, 2017, pp. 445-457.

- **Surrogacy:**

Surrogacy decisions in India are often influenced by considerations of family honor and obligation, with traditional gender roles and familial responsibilities guiding decisions about preserving lineage and fulfilling reproductive expectations. Economic factors play a significant role in surrogacy decisions, as surrogate mothers may view it as a means to alleviate financial hardship, while intended parents may see it as a solution to overcome infertility challenges, despite the associated costs. Surrogacy raises ethical concerns related to the commodification of women's bodies and the sanctity of motherhood within Indian cultural contexts, contributing to societal debates and perceptions surrounding surrogacy practices<sup>23</sup>.

Changes in legislation, such as the 2021 Surrogacy (Regulation) Act, influence public perceptions and acceptance of surrogacy, shaping societal attitudes towards its legitimacy as a reproductive option. Advances in assisted reproductive technologies have normalized surrogacy as a viable solution for infertility, influencing societal attitudes towards its acceptance and legitimacy. India's role as a destination for international surrogacy has exposed its society to global perspectives, challenging traditional norms and fostering greater acceptance of surrogacy, particularly among urban and educated populations.

In conclusion, cultural and social factors significantly influence adoption and surrogacy practices in India, shaping societal attitudes and behaviors towards these family-building options. Understanding these influences is essential for addressing stigma, promoting awareness, and fostering acceptance of diverse family-building options within Indian society.

## **IMPORTANT JUDGEMENTS**

The legal landscape surrounding adoption and surrogacy in India has been significantly shaped by several landmark judgments.

In the case of *Baby Manji Yamada v. Union of India*<sup>24</sup>, a Japanese couple pursued surrogacy in India, but encountered legal complexities due to their divorce before the child's birth. The Supreme Court acknowledged the genetic parents as the legal parents.

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<sup>23</sup> Reddy, S., & Shenoy, P. "Surrogacy in India: A Socio-Cultural Perspective." *Indian Journal of Medical Ethics*, vol. 11, no. 3, 2014, pp. 167-170.

<sup>24</sup> *Baby Manji Yamada v. Union of India* (2008) 13 SCC 518.

In the case of *Jan Balaz v. Anand Municipality*<sup>25</sup> involved a foreign national seeking a birth certificate for a child born through surrogacy in India. The court emphasized the need for due process in establishing parenthood and obtaining documentation.

In the case of *Prakash & Ors v. Phulavati & Ors*<sup>26</sup> addressed inheritance rights of adopted children under the Hindu Succession Act. The court affirmed equal inheritance rights for adopted children.

In the case of *Suchita Srivastava & Anr v Chandigarh Administration*<sup>27</sup> focused on reproductive rights and access to safe abortion services for women. The court upheld a woman's right to make decisions about her body, including access to safe abortion services.

## CONCLUSION

In conclusion, our extensive study has illuminated the intricate dynamics of adoption and surrogacy, shedding light on their multifaceted aspects encompassing legal, social, cultural, medical, and economic dimensions. Through thorough analysis and examination of diverse factors, we have gleaned invaluable insights into the complexities surrounding these reproductive practices. Our research has elucidated the legal frameworks governing adoption and surrogacy, stressing the necessity for clear, inclusive, and well-regulated laws to safeguard the rights of all involved parties. We have identified pivotal case laws that have shaped the legal landscape, underlining the significance of judicial interventions in addressing emerging issues and ensuring equitable outcomes.

Furthermore, our investigation has delved into the social and cultural influences shaping attitudes towards adoption and surrogacy in India. We have acknowledged the profound impact of cultural norms, religious beliefs, and societal expectations on these practices, emphasizing the importance of understanding these influences to foster inclusivity and navigate challenges effectively within our diverse society. Moreover, our study has elucidated the critical medical and health considerations intrinsic to adoption and surrogacy journeys. We have emphasized the necessity of comprehensive medical assessments, adequate prenatal care, and postnatal support to safeguard the well-being of both children and surrogate mothers. Prioritizing health

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<sup>25</sup> *Jan Balaz v. Anand Municipality* (2010) 8 SCC 720.

<sup>26</sup> *Prakash & Ors v. Phulavati & Ors* (2016) 2 SCC 36.

<sup>27</sup> *Suchita Srivastava & Anr v Chandigarh Administration* (2009) 9 SCC 1.

and safety is paramount to upholding ethical standards in adoption and surrogacy procedures. Additionally, our examination has brought to light the economic dimensions of adoption and surrogacy, revealing disparities in access and affordability. We have underscored the need for equitable access to adoption and surrogacy services, regardless of socioeconomic status, to promote reproductive justice and equality.

In summary, our comprehensive study underscores the intricate interplay of legal, social, cultural, medical, and economic factors in the realm of adoption and surrogacy. By fostering greater understanding, dialogue, and collaboration, we can navigate the complexities and challenges inherent in these reproductive practices, ultimately striving towards a more inclusive, ethical, and supportive environment for all individuals and families involved. Moving forward, it is imperative to continue advocating for reform, promoting awareness, and advancing education to uphold the well-being and rights of all stakeholders in the adoption and surrogacy process.