

U.11019/255/2022-HR (Part I)
भारत सरकार/ Government of India
स्वास्थ्य और परिवार कल्याण मंत्रालय/ Ministry of Health & Family Welfare
स्वास्थ्य अनुसंधान विभाग/ Department of Health Research
(समन्वय अनुभाग/ Coordination Section)

2nd Floor, IRCS Building,
New Delhi, the 13th May, 2025

To,

Principal Secretary (Health)/Secretary (Health)
[All States/UTs]

Subject: Instructions regarding issuance of certificates as required u/s 4 of the Surrogacy Act, 2021 by the States/UTs to the "Couple of Indian Origin (OCI cardholders)" for the purpose of availing surrogacy services in India who do not have residential address in India.

Sir/Madam,

I am directed to refer to the above noted subject and to draw your attention to the following provision of Surrogacy (Regulation) Act, 2021:

Section 4 (ii): no surrogacy or surrogacy procedures shall be conducted, undertaken, performed or availed of, except for the following purposes, namely: —

(a) when an intending couple has a medical indication necessitating gestational surrogacy:

Provided that a couple of Indian origin or an intending woman who intends to avail surrogacy, shall obtain a certificate of recommendation from the Board on an application made by the said persons in such form and manner as may be prescribed

2. Further, attention is drawn to the definition of Couple of Indian Origin vide notification [F. No. U.11019/15/2022-HR] dated 8.06.2023 which reads as under:

(aa) "Couple of Indian Origin means the couple where both husband (male) and wife (female) are Overseas Citizens of India cardholders in accordance with the Acts/Rules/Instructions/Guidelines being followed by the Ministry of Home Affairs from time to time subject to fulfillment of various criteria as per the Surrogacy (Regulation) Act, 2021".

A copy of aforesaid notification dated 8.06.2023 is enclosed for your reference.

3. Accordingly, as per above provisions Couples of Indian Origin (OCI cardholders) are eligible to avail surrogacy services in India subject to obtaining certificate of recommendation from the National Board, essential certificates from the States/UTs and upon fulfilment of eligibility criteria prescribed under Surrogacy (Regulation) Act, 2021 and Rules made thereunder.

4. This Department is in receipt of queries from few States requesting to specify as to where a Couple of Indian Origin (OCI cardholder) has to apply for issuance of certificates as required u/s 4 of SR Act, 2021 such as certificate of medical indication, essentiality and eligibility certificates, parentage order for the purpose of availing surrogacy services in India, if they do not have any address in India.

5. In this regard, in continuation to Department's earlier Instructions vide Letter No. U.11019/255/2022-HR (Part I) dated 06.01.2023 (copy enclosed) regarding filing of application for getting certificates of Medical Indication, essentiality, parentage order before approaching the clinic for surrogacy services u/s 4 of Surrogacy (Regulation) Act, 2021 it is clarified that the action for submitting application by the couple of Indian Origin (OCI cardholders) for the purpose as mentioned in the subject noted above shall be as under:

(i) As regards issuance of certificate of essentiality, eligibility certificate, and certificate of medical indication for purpose of availing surrogacy services in India u/s 4(ii) (a) of Surrogacy Act, 2021, a Couple of Indian Origin (OCI Cardholder) may approach the Appropriate Authority of the State/District or UT where they intend to avail surrogacy treatment in India subject to fulfilment of criteria prescribed under Surrogacy (Regulation) Act, 2021 and Rules made there under.

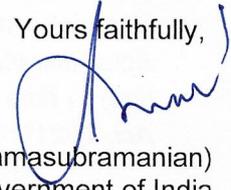
(ii) As regards the Order concerning parentage of the child to be born through surrogacy, a Couple of Indian Origin (OCI Cardholder) may approach the Court of the Magistrate of the first class or above of the State/District or UT from where the certificate of essentiality has been issued.

6. It is also mentioned after obtaining the above essential certificates from the concerned State/UT, a couple of Indian Origin (OCI Cardholder) may apply to Department of Health Research, Ministry of Health and Family Welfare for obtaining certificate of recommendation on an application as prescribed in Form 1 under Rule 4 of the Surrogacy (Regulation) Rules, 2022 before initiating surrogacy treatment in India. For the said purpose the original copy of application along with supporting documents may be submitted by the aforesaid couple to this Department in physical copy (by speed post or courier) or by email to support-artsurrogacy@gov.in

7. This issues with the approval of competent authority.

Encl: as above

Yours faithfully,



(N Sriramasubramanian)

Under Secretary to the Government of India

Tel: 011-23736085

Copy to: All Nodal Officers – ART/Surrogacy (States/UTs)