

File No. I.11019/54/2022-HR  
Government of India  
Ministry of Health and Family Welfare  
(Department of Health Research)

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IRCS Building, Red Cross Road  
New Delhi- 110001

Dated: 2<sup>nd</sup> December, 2022

To,

Shri. Arun Muthuvel,  
13, 1<sup>st</sup> Main Road, Kasthuribai Nagar,  
Adyar Chennai,  
Tamil Nadu, Pin-600020  
[arunmuthuvel@gmail.com](mailto:arunmuthuvel@gmail.com)

Subject: - RTI application dated 17/11/2022 registration no. DOHRE/R/E/22/00346 under Right to Information Act, 2005.

Sir,

I am directed to refer to your RTI application dated 17/11/2022 and to say that as per guidelines in accordance with DoPT O.M. No. 1/69/2007-IR, dated the 27<sup>th</sup> February, 2008, (para 8), the CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the Applicants; or to furnish replies to hypothetical questions. However, the following information is provided for your assistance: -

Ques 1. As per the ART Act 2021, is there any restriction on foreigners availing IVF or IVF with donor egg or donor sperm services in India?

Reply: The IVF cases of the foreign couples can be handled by the ART Clinic subject to the fulfillment of the eligibility criteria prescribed under the Assisted Reproductive Technology (Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Rules, 2022.

Ques 2. As per the Surrogacy Act 2021, Can NRIs, OCI Card holders or Indian origin citizens who hold passports of different countries undergo surrogacy?

Reply: The NRIs, OCI Card holders or Indian origin citizens can avail Surrogacy subject to the fulfillment of the prescribed eligibility criteria under Section 4 of the Surrogacy (Regulation) Act, 2021.

Ques 3. Is there any definition of who is called an Indian origin person?

Reply: The relevant Section is Section 4 (ii) (a) of the Surrogacy (Regulation) Act, 2021 and the Couple of Indian Origin as mentioned in Section 4 (ii) (a) of the Surrogacy (Regulation) Act, 2021 is defined as the Couple where both husband (male) and wife (female) are Overseas Citizens of India (OCI) Cardholders in accordance with the Instructions/Rules/Guidelines/Acts being followed by Ministry of Home Affair (MHA) from time to time.

2. Smt. Geeta Narayan, Joint Secretary, Department of Health Research, 2<sup>nd</sup> Floor IRCS Building, Red Cross Road, New Delhi- 110001, is the first appellate Authority.

3. This disposes of the RTI Application mentioned above.

Yours faithfully



(S.N. Jasra)  
Director & CPIO  
Tele: - 23736218

Copy to: RTI Cell