

U.11019/33/2024-HR

भारत सरकार/Government of India

स्वास्थ्य और परिवार कल्याण मंत्रालय/ Ministry of Health & Family Welfare

स्वास्थ्यअनुसंधानविभाग/ Department of Health Research

(समन्वयअनुभाग/ Coordination Section)

IRCS Building, Red Cross Road, New Delhi- 110001

Dated: 14th November, 2024

To,

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

Subject: Period of validity of the certificate of essentiality and eligibility certificate to be issued u/s 4 Surrogacy (Regulation) Act, 2021 to Intending couple/Intending woman and Surrogate mother by State/UT Appropriate Authority for the purpose of availing Surrogacy in India-reg.

Madam/Sir,

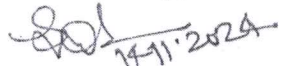
Clarifications have been sought from the Department of Health Research from time to time regarding the period of validity of the certificates of essentiality and eligibility issued under Section 4 of the Surrogacy (Regulation) Act, 2021 to the intending couple/intending woman and the surrogate mother by the State/UT Appropriate Authority to avail surrogacy in India.

2. In this regard I am directed to say that validity of certificate of essentiality and eligibility certificate issued u/s 4 Surrogacy (Regulation) Act, 2021 to the intending couple/intending woman and surrogate mother for the purpose of availing surrogacy in India shall be for a period of **one year** from the date of issuance of the said certificate by State/UT Appropriate Authority. This validity is subject to the fulfillment of all other criteria and conditions stipulated under the Surrogacy (Regulation) Act, 2021, and the Surrogacy (Regulation) Rules, 2022. The validity period of one year will not apply under following circumstances:

- (i) when the age of the intending couple or intending woman or the surrogate mother is going to surpass/cross the age bar prescribed u/s 4 (iii) (c) (I) & 4 (iii) (b) (I) Surrogacy (Regulation) Act, 2021.
- (ii) when the surrogate mother withdraws her consent prior to implantation of embryo in her womb.
- (iii) when the intending couple or intending woman desires to change the Surrogate mother on account of following:
 - (a) failure of the surrogate mother to conceive.
 - (b) completion of prescribed number of attempts on surrogate mother resulting into no outcome.
 - (c) when surrogate mother undergoes abortion in accordance with the Medical Termination of Pregnancy Act, 1971.
 - (d) any other reasons to be recorded in writing.

3. This issues with the approval of competent authority.

Yours faithfully,


(Sanjeev Singh)

Under Secretary to the Government of India

Tel: 011-23736902

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