

F.No.U.11019/13/2026-HR
भारत सरकार / Government of India
स्वास्थ्य और परिवार कल्याण मंत्रालय / Ministry of Health & Family Welfare
स्वास्थ्य अनुसंधान विभाग / Department of Health Research
(एआरटी एव सरोगेसी प्रभाग/ ART & Surrogacy Division)

IRCS Building, New Delhi,
Dated, the 15th April, 2026

To,

State Nodal Officer
ART & Surrogacy
Directorate of Health Services,
Thiruvananthapuram, Kerala
Email: artsurrogacy@kerala.gov.in

Subject: Clarification sought by State Appropriate Authority of Kerala regarding eligibility of a transgender woman for gestational surrogacy under the Surrogacy (Regulation) Act, 2021.

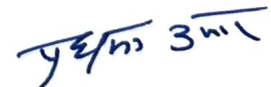
Madam/Sir,

I am directed to refer to your email dated 04.03.2026 on the above noted subject and to draw attention to Section 2(1)(h), 2(1)(r), 2(1)(s) & Section 4(ii)(a) of the Surrogacy (Regulation) Act, 2021. As per the aforesaid sections of the Surrogacy Act, 2021 only (i) Intending Couple (Indian Married man and woman), (ii) Intending Woman (Indian Woman widow or divorcee) & (iii) Couple of Indian Origin (Both Husband (male) and Wife (female) OCI Card Holders) are eligible to avail Surrogacy services in India subject to fulfillment of eligibility criteria prescribed under section 4 of the Surrogacy Regulation Act 2021 & Rules, 2022 made thereunder.

2. In view of the above provisions, it is stated that the transgender persons (married or unmarried) are not eligible to avail surrogacy services under the Surrogacy (Regulation) Act, 2021 and Rules made thereunder.

3. This issues with the approval of competent authority.

Yours faithfully,



(Pradyumn Kumar)

Under Secretary to the Government of India
Telephone: 23736085