

No. 1212 /DCP/SBII/CID/2012
Deputy Commissioner of Police,
Special Branch II, C.I.D. & F.R.R.O.,
Mumbai - 400001

Date: 17/12/2012.

To,
The Manager
Rotunda
The Center for Human Reproduction,
36, Turner Road,
B Wing, 101, 1st Floor,
Bandra (W), Mumbai – 400 050.

Subject : Regarding Surrogacy issues involving Foreigners.

With reference to above mentioned subject this is to inform that the Government of India, Ministry of Home Affairs, New Delhi has issued clear guidelines pertaining to the foreign nationals intending to visit India for commissioning surrogacy.

As per the guidelines laid down by MHA, New Delhi, below mentioned features should be followed in case of surrogacy related to foreigners:

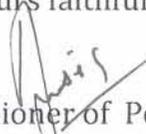
- 1) Tourist visa is not the appropriate visa category and such foreigners will be liable for action for violation of visa conditions. The appropriate visa category for commissioning surrogacy is a medical visa.
- 2) The foreign man and woman intending to commission surrogacy should be duly married and marriage should have sustained at least for two years. Please also note that current Indian laws do not recognize gay marriages.
- 3) The couple commissioning surrogacy should be in possession of a letter from the Embassy of the foreign country in India or the Foreign Ministry of the country stating clearly that:
 - a. the country recognizes surrogacy;
 - b. the child/children to be born to the commissioning couple through the Indian surrogate will be permitted entry into their country as a biological child/children of the couple commissioning surrogacy.

- 4) The couple commissioning surrogacy is required to furnish an undertaking that they would take care of the child/children born through surrogacy.
- 5) The couple should produce a duly notarized agreement between the applicant couple and the prospective Indian surrogate mother.
- 6) The treatment concerning surrogacy should be done only at one of the registered ART clinics recognized by ICMR.
- 7) The foreign couple before leaving India for their return journey would require 'exit' permission and should be carrying a certificate from the ART clinic concerned regarding the fact that the child/children have been duly taken custody of by the foreigner and the liabilities toward the Indian surrogate mother are fully discharged as per the agreement. A copy of the birth certificate(s) of the surrogate child/children will be retained by the FRRO/FRO along with photocopies of the passport and visa of the foreign parents.

You are therefore hereby ordered to ascertain all the above mentioned details before commissioning the surrogacy cases of foreigners and not to accept any case for surrogacy if the conditions mentioned in point no. 1 to 7 of this letter are not fulfilled by the foreigner. Contravention of this order may hold you liable for legal action under the Foreigner's Act 1946. Also, you are hereby informed that because of noncompliance of this order on your part, if in future any complication arises in respect of Surrogate baby's nationality and their parent-hood, you will be held responsible for it.

Further you are directed to provide list of foreigners with the details of their nationality, visa, passport etc. who have already registered with you for commissioning of Surrogacy, to this office.

Yours faithfully,


Dy. Commissioner of Police & FRRO,
Special Branch II, C.I.D.,
Mumbai