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# INHERITANCE RIGHTS OF IVF-BORN CHILDREN UNDER THE HINDU SUCCESSION ACT, 1956

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## I. ABSTRACT

*The advent and rapid advancement of Assisted Reproductive Technologies (ART) particularly In Vitro Fertilization (IVF) have profoundly transformed the concepts of parenthood and family structures in contemporary society. Today, parenthood is no longer solely dependent on natural biological processes; rather, it may involve medical interventions, planned conception, and, in some instances, the involvement of third parties. This conceptual shift has challenged conventional legal notions regarding legitimacy, lineage, and familial relationships concepts that have historically served as the bedrock of laws governing inheritance and property devolution. Notwithstanding these social and technological shifts, the 'Hindu Succession Act, 1956' – which governs inheritance and property rights among Hindus was enacted at a time when such reproductive technologies did not exist. Consequently, the Act is premised upon conventional assumptions regarding natural conception, blood ties, and legitimate birth; as a result, there is still uncertainty regarding the inheritance rights and legal standing of children born via. Although the 'Assisted Reproductive Technology (Regulation) Act, 2021' recognizes children born via ART as legitimate offspring, it does not explicitly address matters of inheritance or property devolution, thereby giving rise to legal uncertainty and potential disparities in property rights. This discomfort between modern reproductive methods and antiquated legal provisions creates a conflict between scientific progress and traditional inheritance laws. The question arises as to whether children born through IVF are entitled to equal inheritance rights – particularly in the context of ancestral property, coparcenary status, and other familial claims under Hindu law. The primary objective of this study is to examine the legal and social challenges faced by children born through IVF regarding inheritance under Hindu law; to analyse the limitations of existing statutes; and to explore potential interpretations or avenues for reform aimed at harmonizing traditional inheritance frameworks with the realities of modern reproductive technologies. By highlighting this intersection of law*

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*and science, this research aims to contribute to fostering a more inclusive understanding of parenthood and inheritance within contemporary Hindu society.*

## II. KEYWORDS

ART, Surrogacy, Hindu Succession Law, Inheritance Rights, Legal Parenthood

## III. INTRODUCTION

In Hindu thought, the concepts of family, lineage, and inheritance have always occupied a central position a framework shaped by both legal traditions and a vast body of mythology. These narratives reveal that the notion of paternity was never strictly confined within narrow or purely biological parameters. Rather, ancient texts frequently portray birth and lineage in a diverse and flexible manner, acknowledging circumstances that extend beyond the scope of ordinary human procreation. Tales from epics such as the Mahabharata exemplify this openness; for instance, figures like Karna are believed to have been born through divine intervention, while the Pandavas are said to have been born through the blessings of celestial beings. Such accounts suggest that greater value was placed on the continuity of lineage and Dharma than on rigid definitions of paternity a perspective that reflects a broader and more adaptable view of family and inheritance within early Hindu traditions.

The rise of Assisted Reproductive Technologies (ART), especially In Vitro Fertilization (IVF), has significantly transformed the traditional understanding of parenthood. Today, children can be born not only through natural biological processes but also through medical intervention, planned conception, or third-party assistance. This shift has redefined family structures and challenges conventional ideas about parentage, legitimacy, and lineage.<sup>2</sup>

However, existing legal frameworks have not fully adapted to these developments. The Hindu Succession Act, 1956, which governs inheritance among Hindus, was drafted long before ART existed.<sup>3</sup> It assumes parentage based on natural birth and traditional family structures, making it unclear what ART-born children's inheritance

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<sup>2</sup> S. K. Sharma, *Assisted Reproductive Technology and Changing Family Structures in India*, Journal of Family Law, Vol. 12, Issue 2 (2020), pp. 45–59.

<sup>3</sup> Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956.

rights and status are. While the Assisted Reproductive Technology (Regulation) Act, 2021 recognizes children born through ART as legitimate,<sup>4</sup> it does not explicitly address their inheritance or succession rights. This creates a legal gap, particularly regarding ancestral property and coparcenary rights.

Thus, a conflict arises between modern scientific advancements and traditional succession law, raising pressing questions about how legal frameworks can protect the inheritance rights of IVF-born children while keeping pace with evolving reproductive technologies, changing family structures, and the need for clarity, equity, and consistency in determining legal parentage and succession rights.<sup>5</sup>

Advancements in medical science have fundamentally transformed the way humans understand and experience the process of reproduction. Among these advancements, 'Assisted Reproductive Technologies' (ART) particularly 'In Vitro Fertilization' (IVF) have empowered individuals and couples to conceive children, thereby transcending the limitations of natural biological processes.<sup>6</sup> The application of these technologies often necessitates recourse to various clinical procedures and, in certain instances, requires the involvement of third parties such as donors or surrogates; consequently, traditional notions of parenthood and family structure are being redefined.<sup>7</sup> Within the Indian legal landscape, although these advancements have been formally recognized through various regulatory frameworks such as the 'Assisted Reproductive Technology (Regulation) Act, 2021' the far-reaching implications of these technologies upon 'personal laws' remain inadequately addressed or resolved.<sup>8</sup> Traditional Hindu law specifically as codified in the 'Hindu Succession Act, 1956' continues to rely predominantly on concepts grounded in natural birth, consanguinity, and lineage. As a result, complicated legal issues pertaining to the

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<sup>4</sup> Assisted Reproductive Technology (Regulation) Act, 2021, No. 42, Acts of Parliament, 2021 (India).

<sup>5</sup> The rapid development of assisted reproductive technologies has exposed gaps in traditional succession laws, particularly concerning the legal status and inheritance rights of IVF-born and posthumously conceived children; see *Astrue v. Capato*, 566 U.S. 541 (2012).

<sup>6</sup> John A. Robertson, *Children of Choice: Freedom and the New Reproductive Technologies* (Princeton University Press, 1994).

<sup>7</sup> Deborah L. Forman, "Embryo Disposition and Divorce: Why Clinic Consent Forms Are Not the Answer," (2011).

<sup>8</sup> Assisted Reproductive Technology (Regulation) Act, 2021.

status and recognition of children born via ART have arisen, within the existing framework of inheritance laws.<sup>9</sup>

The advent of ART particularly IVF challenges the traditional Hindu concept of parenthood, which is grounded in natural birth; yet Hindu mythology presents a broader conception of lineage. Epics such as the Mahabharata recount instances of divine or miraculous births such as Karna, born through a boon, or the Pandavas, born through divine blessings which prioritize the continuity of family and Dharma over strict biological definitions. Similarly, modern reproductive technologies have expanded the means of procreation, thereby raising questions regarding legitimacy, inheritance, and coparcenary rights. It is imperative to harmonize these technological realities with traditional inheritance laws to ensure that children born through ART are legally recognized and protected within the framework of Hindu inheritance.

#### **A. Research Problem**

By introducing medical intervention and third-party involvement in reproduction, recent developments in Assisted Reproductive Technologies (ART), especially In Vitro Fertilization (IVF), have transformed conventional ideas of parenthood. This change calls into question long-held notions of legitimacy, family, and ancestry that underpin inheritance laws. The status of ART-born children is not addressed by the Hindu Succession Act, 1956, which was passed prior to the development of such technologies and is based on natural birth and blood relations. Ambiguity is created by this legislative gap, especially with regard to coparcenary status and ancestral property. In order to bridge the gap between evolving reproductive technologies and traditional legal principles, the primary research problem is to reconcile the rights of ART-born children with current Hindu succession law.

#### **B. RESEARCH OBJECTIVES**

1. To analyse the provisions of the 'Hindu Succession Act, 1956' and their impact on inheritance rights within the context of 'Assisted Reproductive Technologies' (ART).

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<sup>9</sup> Hindu Succession Act, 1956.

2. To identify gaps and ambiguities within the existing legal framework concerning children born through ART particularly regarding paternal property and coparcenary rights.
3. To propose necessary reforms and policy measures aimed at ensuring transparency, equity, and protection regarding the inheritance rights of children born through ART.
4. To analyse how Hindu law treats and legally recognizes children born through in vitro fertilization (IVF).

### **C. Research Questions**

1. Is parity maintained in inheritance and coparcenary rights for children born via IVF under Hindu law?
2. How does the Assisted Reproductive Technology (Regulation) Act, 2021 address legitimacy and parentage of ART-born children?
3. Does the current Hindu succession framework adequately protect the inheritance rights of children born via ART?
4. What legal and interpretational challenges arise in recognizing ART-born children within existing inheritance and family law principles?

### **D. Hypothesis**

This study is based on the view that India's current legal framework does not adequately address the complexities arising from Assisted Reproductive Technology (ART) particularly regarding the inheritance rights of children born through IVF. It posits the hypothesis that, under the current provisions of Hindu inheritance laws, children born via IVF do not receive adequate protection, as the advancements in modern reproductive technologies were not taken into consideration at the time these laws were enacted. Furthermore, a distinct gap exists between the legal recognition of a child's legitimacy under ART-related regulations and the actual enforcement of inheritance and property rights under personal laws.

Although there is a growing trend, from a legal standpoint, toward recognizing these children as legitimate offspring, uncertainties persist regarding their rightful inheritance entitlements. This study further argues that meaningful legal reforms are

imperative to bridge this aforementioned gap and to ensure equality in inheritance rights. Such reforms would align the existing legal framework with evolving medical technologies and contemporary social realities, thereby establishing fairness, transparency, and certainty within the legal sphere.

#### **E. Research Methodology**

This study adopts a doctrinal research methodology, relying on secondary sources such as statutes, judicial decisions, scholarly literature, and policy reports. Specifically, it examines the legal framework governing assisted reproduction and inheritance under the Hindu Succession Act, 1956, and the Assisted Reproductive Technology (Regulation) Act, 2021. Its approach is both descriptive and analytical, interpreting existing laws and critically evaluating their adequacy. A comparative perspective has also been employed to highlight alternative approaches. The research identifies gaps, inconsistencies, and ambiguities, thereby underscoring the necessity for comprehensive and progressive legal reform.

#### **F. Literature Review**

In his influential book on reproductive rights, *Children of Choice*, John A. Robertson discusses how advancements in Assisted Reproductive Technology (ART) have reshaped conventional notions of parenthood. He argues that legal systems can no longer rely solely on biological ties to determine parental relationships. Instead, he posits that intent, and a sense of responsibility should play a central role in establishing parenthood. His analysis highlights a significant tension between evolving social realities and rigid legal frameworks particularly in the realm of inheritance where children born through ART often face uncertainty due to outdated statutory interpretations.

Similar concerns are reflected in the writings of Deborah L. Forman, who critically analyses the legal complexities surrounding ART, particularly in cases involving third-party reproduction. She observes that the involvement of donors and surrogate mothers creates ambiguities in identifying legal parents, which, in turn, impacts the child's legal status. Forman notes that many legal systems lack specific provisions to address these complexities, resulting in inconsistencies in judicial outcomes. She

emphasizes the importance of clearer legal definitions so that ART-conceived children are not placed at a disadvantage, particularly regarding legitimacy and succession rights.”

#### IV. ART & IVF FRAMEWORK

Over the past few decades, Assisted Reproductive Technologies (ART) have brought about a revolutionary transformation in our understanding and practice of human reproduction.<sup>10</sup> Beginning with the first successful in vitro fertilization (IVF) in 1978, these technologies have progressively expanded their scope to encompass various procedures such as Intracytoplasmic Sperm Injection (ICSI), gamete donation, embryo transfer, and surrogacy.<sup>11</sup> ART has not only provided solutions to the challenges of infertility but has also challenged and compelled a rethinking of conventional notions regarding conception, parenthood, and family structures.<sup>12</sup>

Legally, the acceptance of ART has progressed in step with developments in medical science. In the early stages, both courts and lawmakers faced difficulties in addressing issues of legitimacy, guardianship, and inheritance concerning children born through these techniques.<sup>13</sup> Across numerous legal systems globally, assisted reproductive technologies (ART) and the legal status of children born through such methods have gained formal acknowledgment. In India, this recognition is clearly reflected in the Assisted Reproductive Technology (Regulation) Act, 2021, which establishes a regulatory framework while affirming the rights and protections of children conceived through ART.<sup>14</sup> The central aim of such regulatory frameworks is to harmonize advancements in reproductive technology with existing social values, ethical considerations, and family structures. In doing so, they affirm the legal status of children born through ART as legitimate and ensure their access to necessary legal

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<sup>10</sup> John A. Robertson, *Children of Choice: Freedom and the New Reproductive Technologies* (Princeton University Press, 1994).

<sup>11</sup> Louise Brown, born following the pioneering work of Patrick Steptoe and Robert Edwards, see P Steptoe and RG Edwards, ‘Birth after the Reimplantation of a Human Embryo’ (1978) 2 *The Lancet* 366.

<sup>12</sup> Deborah L. Forman, “Embryo Disposition and Divorce: Why Clinic Consent Forms Are Not the Answer,” (2011).

<sup>13</sup> *Children of Choice: Freedom and the New Reproductive Technologies* (Princeton University Press 1994) 30.

<sup>14</sup> Assisted Reproductive Technology (Regulation) Act, 2021.

safeguards. At the same time, these laws clearly define and organize the rights, duties, and obligations of all parties involved, including donors, surrogate mothers, and intending parents.<sup>15</sup> Thus, the evolution of ART is not merely a medical phenomenon, but rather a socio-legal evolution that necessitates the continuous amendment and adaptation of existing laws to align with emerging family realities.

In recent decades, Assisted Reproductive Technology (ART) has fundamentally transformed the landscape of human reproduction. Since the birth of the first child via In Vitro Fertilization (IVF) in 1978,<sup>16</sup> medical science has continuously generated new innovations, leading to the introduction of various techniques such as Intracytoplasmic Sperm Injection (ICSI),<sup>17</sup> embryo transfer,<sup>18</sup> gamete donation,<sup>19</sup> and surrogacy.<sup>20</sup> These advancements have opened up new avenues of possibility for individuals and couples struggling with infertility,<sup>21</sup> while simultaneously broadening the very concept of family formation. Far from being confined solely to the realm of medical science, these technologies have also given rise to several critical legal and social questions. Traditional notions of parenthood once inextricably linked to biological processes are now being re-evaluated in the context of situations involving donors, surrogate mothers, and medically assisted conception.<sup>22</sup> Consequently, issues concerning legal guardianship, the legitimacy of children, and children's rights have become increasingly complex, necessitating careful and nuanced legal interpretation.<sup>23</sup>

In India, the legal framework has gradually adapted to these changes. The enactment of the 'Assisted Reproductive Technology (Regulation) Act, 2021'<sup>24</sup> is regarded as a

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<sup>15</sup> Author(s), 'ART Legal Challenges' (2020) Volume (Issue) *Journal of Indian Law & Society* Page.

<sup>16</sup> P Steptoe and RG Edwards, 'Birth after the Reimplantation of a Human Embryo' (1978) 2 *The Lancet* 366.

<sup>17</sup> G Palermo, H Joris, P Devroey and A Van Steirteghem, 'Pregnancies after Intracytoplasmic Injection of Single Spermatozoon into an Oocyte' (1992) 340 *The Lancet* 17.

<sup>18</sup> P Steptoe and RG Edwards, 'Reimplantation of a Human Embryo with Subsequent Tubal Pregnancy' (1976) 1 *The Lancet* 880.

<sup>19</sup> J A Robertson, 'Ethics and Policy in Assisted Reproduction' (1992) 13 *Journal of Law, Medicine & Ethics* 60.

<sup>20</sup> Surrogacy (Regulation) Act, 2021.

<sup>21</sup> World Health Organization, *Infertility Definitions and Terminology* (2020).

<sup>22</sup> Bioethics, addressing ART-related parenthood complexities.

<sup>23</sup> Family Law, concerning legitimacy and parental rights.

<sup>24</sup> Assisted Reproductive Technology (Regulation) Act, 2021, No. 42 of 2021 (India).

pivotal step aimed at formally recognizing ART procedures and safeguarding the interests of all stakeholders involved. This legislation affirms the legitimacy of children conceived through such methods and establishes specific regulatory standards for the clinics and medical procedures involved.<sup>25</sup> However, while the Act provides clarity on certain aspects of guardianship and medical practice, it has not yet fully resolved questions pertaining to inheritance and property rights.<sup>26</sup>

Thus, ART represents not merely a groundbreaking achievement in the field of medical science, but also a powerful catalyst for legal evolution. This strongly underscores the fact that, in order to address emerging new realities, existing legal frameworks particularly personal laws must evolve and be refined over time. As family structures become increasingly diverse, the law, too, must evolve to ensure that the rights and the identity rights of children born through such procedures are duly safeguarded.<sup>27</sup>

## V. LEGAL FRAMEWORK (INDIA)

Legal control of supportive reproductive technology (ART) in India has gradually developed; This reflects the need to balance ethical, social and legal considerations with scientific advancement. Although medical science is advancing at a fast pace, the law has to evolve step by step to counter the complex realities created by non-traditional methods of reproduction. A significant advance in this field is the enactment of the 'Assisted Reproductive Technology (Regulation) Act, 2021', which provides a comprehensive framework for the practice of Art in India.<sup>28</sup> The Act sets out guidelines for the registration and management of ART clinics and banks, the main objective of which is to ensure transparency, security and accountability.<sup>29</sup> It also defines the roles and responsibilities of all parties concerned including the parenting parents, the donors and the doctors including the roles and responsibilities. What is

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<sup>25</sup> Indian Council of Medical Research, *National ART Guidelines* (2005).

<sup>26</sup> Hindu Succession Act, 1956, No. 30 of 1956 (India).

<sup>27</sup> Surrogacy (Regulation) Act, 2021, No. 47 of 2021 (India).

<sup>28</sup> Assisted Reproductive Technology (Regulation) Act, 2021.

<sup>29</sup> *Ibid.*

important is that the Act recognizes children born through ART as valid and thereby grants them a legal status in the family.<sup>30</sup>

It is closely related to the 'surrogacy (control) Act, 2021', which specifically controls areas or events where a surrogate mother is involved. The Act allows only regulated conditional 'alternative surrogacy' or selfless surrogacy and attempts to secure the rights of children and surrogate mothers as well as prevent any kind of exploitation.<sup>31</sup> Collectively, these laws serve as the cornerstone of India's modern legal approach to auxiliary reproduction. However, the situation remains somewhat unclear in the case of inheritance and property ownership. The 'Hindu Succession Act, 1956' continues to regulate property rights issues among Hindus;<sup>32</sup> But this law was enacted at a time when no technology like Art existed or conceived. Accordingly, the provisions prescribed by this act are mainly based on traditional concepts such as birth, blood relations and lineage.

When children born through IVF or other assisted methods are considered under this Act particularly in matters of parental property and coparcenary rights ambiguity arises. Judicial interpretation has played a limited yet significant role in addressing this gap. Courts in India have generally leaned towards recognizing the legitimacy and to uphold the rights of non-traditional means, guided by principles of fairness, child welfare, and evolving social realities, as seen in cases like *Baby Manji Yamada v. Union of India* and *Jan Balaz v. Anand Municipality*.<sup>33</sup>

Nevertheless, the absence of any specific statutory provision regarding inheritance rights for children born through the ART creates an opportunity for uncertainty and inconsistency in the application of the law. In addition to statutory laws, guidelines issued by organizations such as the 'Indian Council of Medical Research' (ICMR) have also contributed significantly to shape or form this regulatory environment.<sup>34</sup> Even though these guidelines are not legally binding legally binding in the same way as

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<sup>30</sup> Ibid.

<sup>31</sup> Surrogacy (Regulation) Act, 2021.

<sup>32</sup> Hindu Succession Act, 1956 (Act No. 30 of 1956) (India)

<sup>33</sup> *Baby Manji Yamada v. Union of India*, (2008) 13 SCC 518; *Jan Balaz v. Anand Municipality*, AIR 2010 Guj 21.

<sup>34</sup> Indian Council of Medical Research (ICMR), National Guidelines for ART Clinics in India, 2005.

statutory laws, they have historically influenced policy-making and judicial reasoning on auxiliary reproductive-related issues.<sup>35</sup>

Overall, India's legal framework reflects a transitional phase. Although recent laws have recognized and regulated the practice of supporting reproductive technology (ART), there remains a noticeable vacuum in conforming to these new advances with traditional personal laws on inheritance. It is very important to fill this gap so that children born with modern reproductive technology can get equal protection and clarity in inheritance issues.<sup>36</sup>

India's legal framework governing Assisted Reproductive Technology is currently in a transitional phase, wherein rapid scientific advancements are outpacing the evolution of traditional legal principles. Although the Assisted Reproductive Technology (Regulation) Act, 2021,<sup>37</sup> has introduced a structured regulatory mechanism for industry practices, it does not comprehensively address issues concerning inheritance and succession. These matters are governed by older personal laws – such as the Hindu Succession Act, 1956<sup>38</sup> which are grounded in conventional notions of birth, blood ties, and lineage. This mismatch between contemporary reproductive practices and conventional inheritance frameworks creates uncertainty regarding the legal status and succession rights of children born via assisted reproduction.

To bridge this gap, it is necessary to harmonize industry-specific legislation with existing inheritance laws aimed at securing legal consistency. The judiciary has endeavoured to resolve this divergence by adopting a progressive approach that prioritizes child welfare and equity, as exemplified in cases such as *Baby Manji Yamada v. Union of India*. Therefore, to guarantee equality within the evolving social and technological landscape, eliminate ambiguities, and uphold broader principles of

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<sup>35</sup> Law Commission of India, Report No. 228 (2009).

<sup>36</sup> Poonam Saxena, *Family Law Lectures: Family Law II* (LexisNexis, 2011).

<sup>37</sup> Assisted Reproductive Technology (Regulation) Act, 2021.

<sup>38</sup> Hindu Succession Act, 1956.

justice, there is a requirement for explicit legal recognition of inheritance rights for children born through assisted reproductive technologies.<sup>39</sup>

India's legal framework regarding assisted reproduction is currently in a transitional phase, wherein modern science is gradually reshaping traditional legal concepts. Although the Assisted Reproductive Technology (Regulation) Act, 2021 provides for regulation,<sup>40</sup> inheritance laws such as the Hindu Succession Act, 1956<sup>41</sup> still rely on lineage and blood ties. This creates uncertainty for children born through these technologies. Interestingly, Indian mythology mirrors similar concepts such as Karna, born through divine intervention, or the Mahabharata, in which unconventional births were accepted. Therefore, it is imperative to align modern laws with evolving realities to ensure equal rights and dignity for children born through assisted reproductive technologies.<sup>42</sup>

## VI. STATUS OF RIGHTS OF IVF-BORN CHILDREN

The position of children born through in vitro fertilization (IVF) in India reflects a developing field of law shaped by the advancement of medical science and the development of social attitudes. IVF, as a form of supportive reproductive technology (ART), enables individuals and couples to conceive through medical intervention, often involving gamete donation or embryo transfer. Although such technologies have expanded reproductive preferences, they have also raised complex legal questions regarding the status, legality and rights of children born through these methods. In recent years, India has taken important steps to regulate the field, such as the supportive reproductive technology (regulation) Act, 2021, which aims to provide a structured legal framework for industrial practice.<sup>43</sup>

One of the most important contributions to this Act is the appreciation of children born through it, including IVF, as valid. This recognition is very important because legality determines the legal status of a child within the family and society. By

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<sup>39</sup> *Baby Manji Yamada v. Union of India*, (2008) 13 SCC 518.

<sup>40</sup> Assisted Reproductive Technology (Regulation) Act, 2021.

<sup>41</sup> Hindu Succession Act, 1956.

<sup>42</sup> *Mahabharata*, Adi Parva (birth of Karna).

<sup>43</sup> Assisted Reproductive Technology (Regulation) Act, 2021.

assuring that children born to IVF are treated equally with conceived children, the law seeks to eliminate stigma and ensure their acceptance in family relationships. The law also defines the roles and responsibilities of all parties involved, including parents, donors and physicians, thereby creating an accountability system that indirectly protects the interests of the child.<sup>44</sup>

However, despite these advances, challenges remain in the full realization of the privileges of children born in IVF, especially in inheritance and inheritance. In India, private laws govern the rights of property and for Hindus, the Hindu Succession Act, 1956 is the preliminary law in this regard.<sup>45</sup> This law was enacted at a time when technologies such as IVF were not imagined, and so its provisions are rooted in traditional concepts such as natural birth, blood relations and lineage. Consequently, when the right to inherited children born in IVF is questioned especially in the case of donor gametes or surrogacy there may be obscurity and explanatory challenges.

In this context, the judiciary has taken on a crucial role, constructive, albeit limited role in clarifying the condition of such children. Indian courts have largely followed a progressive and child-centred approach, emphasizing the morality of welfare, dignity and equality. In cases of supportive reproduction and surgeons, the court tends to acknowledge the authenticity of the child and uphold their rights, even in the lack of detailed statutory instructions.<sup>46</sup> This judicial attitude reflects the requirement to protect the awareness of social norms change and prevent discrimination based on the situation of birth of children. Nevertheless, judicial decisions are often case-specific and cannot be an alternative to comprehensive legal reforms.

Another important aspect is the role of regulatory and advisory organizations such as the Indian Council of Medical Research.<sup>47</sup> Over the years, the ICMR has issued artifacts guidelines, which have influenced both policy-making and judicial reasoning, although not legally binding. These guidelines emphasized ethical practice, informed consent and the protection of all parties involved, including children<sup>48</sup>. They

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<sup>44</sup> Ibid., provisions on rights and duties of stakeholders.

<sup>45</sup> Hindu Succession Act, 1956.

<sup>46</sup> *Baby Manji Yamada v. Union of India*, (2008) 13 SCC 518.

<sup>47</sup> Indian Council of Medical Research (ICMR), National Guidelines for ART Clinics in India, 2005.

<sup>48</sup> Ibid., ethical standards and consent provisions.

have contributed to the formation of a broad understanding of parenthood that goes beyond mere biological connections.

Despite these developments, the absence of explicit statutory provisions relating to the inheritance and property rights of children born in IVF has become a matter of concern. Without explicit legal rules, there are inconsistent interpretations of particularly complex family situations and risks of potential conflicts.<sup>49</sup> This uncertainty may undermine the purpose of the industry law, providing safety and clarity to families formed through these technologies.

Therefore, there is a need to accommodate industrial law with personal laws governing inheritance and inheritance. Such consistency will ensure that children born to IVF enjoy the same rights and protection as any other child without experiencing legal ambiguity or discrimination.<sup>50</sup> It will also align the legal system with contemporary social realities, where supportive reproduction is increasingly common and accepted.

In conclusion, although India has made commendable advances in the recognition and control of IVF and other art practices, the legal status of children born in IVF remains partially unstable, especially in the case of inheritance rights.<sup>51</sup> Recognition of validity under the industrial structure is an important step, but it must be supplemented by the relevant reforms in private law. Only then can legal action provide comprehensive protection for children born in IVF and uphold the morality of equality, justice and decorum in a rapidly changing society.<sup>52</sup>

## **VII. RESEARCH ANALYSIS**

A doctrinal analysis of Assisted Reproductive Technology (ART) in India focuses primarily on the clarification of existing legal norms, statutes, and judicial decisions governing the status of children born through IVF. This approach examines how current laws apply to the realm of emerging reproductive technologies and whether

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<sup>49</sup> Law Commission of India, Report No. 228 (2009).

<sup>50</sup> Article 14, Constitution of India (Right to Equality).

<sup>51</sup> Article 21, Constitution of India (Right to Life and Dignity).

<sup>52</sup> Surrogacy (Regulation) Act, 2021.

they adequately address issues of legitimacy, parenthood, and inheritance. The Assisted Reproductive Technology (Regulation) Act, 2021,<sup>53</sup> represents the primary legislative framework, establishing regulatory requirements for ART clinics, consent procedures, and the responsibilities of stakeholders.

However, from a doctrinal perspective, it is evident that the Act primarily addresses procedural regulations rather than substantive questions regarding inheritance and property rights. When examined alongside traditional personal laws specifically the Hindu Succession Act, 1956<sup>54</sup> a doctrinal gap becomes apparent. The inheritance law is grounded in established legal doctrines of natural birth, blood ties, and the framework of coparcenary. It does not explicitly incorporate the concept of children born through assisted reproduction, thereby creating interpretive challenges when determining inheritance rights. Doctrinally, this creates a tension between the statutory intent underlying modern ART legislation and the continued application of older personal law principles.

Judicial interpretation plays a crucial role in bridging this doctrinal gap. Indian courts have consistently relied on constitutional principles such as the right to equality under Article 14 and the right to life and dignity under Article 21 to uphold the rights of children born through non-traditional reproductive methods. Doctrinal trends within case law suggest a shift toward recognizing "intentional parenthood" rather than relying solely on biological parentage. However, this approach remains fragmented, as courts resolve issues on a case-by-case basis in the absence of a uniform statutory doctrine governing the inheritance rights of children born via IVF.

From a doctrinal perspective, the absence of clear legal integration between laws governing the industry and those concerning inheritance leads to uncertainty in legal reasoning. Although the guidelines issued by the Indian Council of Medical Research provide ethical and procedural directions,<sup>55</sup> they lack binding legal authority, thereby

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<sup>53</sup> Assisted Reproductive Technology (Regulation) Act, 2021.

<sup>54</sup> Hindu Succession Act, 1956.

<sup>55</sup> Indian Council of Medical Research (ICMR), National Guidelines for ART Clinics in India, 2005.

limiting their doctrinal value. Consequently, legal interpretation often relies on judicial discretion rather than on codified principles.

In conclusion, a doctrinal analysis reveals that India's legal framework regarding children born through IVF is still evolving and lacks complete harmonization. While recent legislation has modernized the regulation of reproductive technologies, it has not yet fully aligned with the established doctrines of family and inheritance laws. This doctrinal inconsistency underscores the need for comprehensive legislative reform to ensure transparency, uniformity, and legal certainty in determining the rights of children born through these technologies.

## VIII. SUGGESTIONS & RECOMMENDATIONS

The legal framework governing Assisted Reproductive Technology (ART) in India has made significant strides; nevertheless, attention is still required to address certain gaps or deficiencies to ensure comprehensive protection for all stakeholders particularly children born through IVF. First, it is imperative to harmonize the 'Assisted Reproductive Technology (Regulation) Act, 2021'<sup>56</sup> with existing personal laws such as the 'Hindu Succession Act, 1956' to clearly define matters concerning inheritance and coparcenary rights. To avoid any ambiguity or conflicting interpretations, the inheritance rights of children born through ART should be explicitly recognized through a uniform legal provision.

Second, there is a need for legal clarity regarding paternity and maternity in cases involving donor gametes (sperm or eggs) and surrogacy; this would ensure that intending parents can obtain legal recognition without facing any disputes. Third, the guidelines issued by the Indian Council of Medical Research (ICMR) should be provided with a stronger legal foundation, ensuring that ethical standards and procedural safeguards become legally enforceable rather than remaining merely advisory.<sup>57</sup>

Furthermore, various outreach and awareness programs should be conducted to educate society regarding the legitimacy and rights of children born through ART,

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<sup>56</sup> Assisted Reproductive Technology (Regulation) Act, 2021; Hindu Succession Act, 1956.

<sup>57</sup> Indian Council of Medical Research (ICMR), National Guidelines for ART Clinics in India, 2005.

thereby significantly reducing the social stigma or prejudices surrounding them. The judiciary must continue to operate with a progressive and child-centric approach; however, the reliance on case-by-case interpretations needs to be minimized through the enactment of a comprehensive and holistic law. Additionally, a central regulatory body, endowed with oversight and monitoring powers, should be further strengthened to ensure the uniform and effective implementation of ART-related laws across the country. All in all, the primary objective of these reformative measures should be to establish a balanced legal framework that, amidst an evolving social and technological landscape, safeguards the rights and dignity of children born through ART while simultaneously protecting reproductive autonomy.

## IX. CONCLUSION

In conclusion, the advent of Assisted Reproductive Technology (ART) particularly IVF has fundamentally transformed traditional notions regarding family, parenthood, and inheritance within Indian society. Although the 'Assisted Reproductive Technology (Regulation) Act, 2021' introduced a significant regulatory framework,<sup>58</sup> it failed to provide a comprehensive resolution to issues concerning inheritance and property rights. Similarly, the 'Hindu Succession Act, 1956' remains largely anchored in traditional concepts of lineage and biological parentage,<sup>59</sup> thereby creating a degree of uncertainty for children born through ART.

While judicial interpretations and constitutional principles have aided in safeguarding their interests, ambiguities persist in this domain due to the absence of specific statutory provisions.<sup>60</sup> Therefore, adopting a more integrated and progressive legal approach is imperative to harmonize modern reproductive laws with traditional inheritance frameworks. Such reforms would ensure legal clarity, social acceptance, and the equal protection of rights. Ultimately, in a society rapidly evolving alongside

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<sup>58</sup> Assisted Reproductive Technology (Regulation) Act, 2021.

<sup>59</sup> Hindu Succession Act, 1956.

<sup>60</sup> *Baby Manji Yamada v. Union of India*, (2008) 13 SCC 518; Article 14 and Article 21, Constitution of India.

scientific and technological advancements, safeguarding the dignity and inheritance rights of children born through ART is indispensable.<sup>61</sup>

Interestingly, Hindu mythology also reflects flexible concepts regarding birth and lineage instances of which can be found in epics such as the Mahabharata. There, characters like Karna attained full societal recognition despite being born through divine intervention a fact that underscores that the acceptance of non-conventional births is by no means a novel concept within the fabric of Indian cultural thought.

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