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# **LEGAL PARENTAGE AND THE NATIONALITY OF SURROGATE CHILDREN IN INDIA: AN ANALYSIS OF THE PRESUMPTION OF PARENTHOOD UNDER THE SURROGACY (REGULATION) ACT, 2021.**

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## **Abstract**

The Surrogacy (Regulation) Act, 2021, sought to address the ethical, legal, and social concerns surrounding surrogacy in India by instituting official recognition of paternity.

Section 8 of the Act makes a presumption that the intended couple will be the child's legal parents. Despite the fact that this clause presents a significant legal improvement, other complex issues remain that require resolution. These include the difficulties presented by international surrogacy agreements, the recognition of parental rights in situations involving unconventional family structures, and the unresolved claims to citizenship and nationality of surrogate children born to foreign parents in India. This study's main research question is whether the current legal system sufficiently protects surrogate children's rights, identities, and legal status, especially in view of India's international commitments and constitutional guarantees. Examining Section 8 of the Act closely, identifying any gaps in the treatment of nationality and parentage, and suggesting changes that would guarantee surrogate children are considered as equal members of society with stable legal identities are the goals.

This is a doctrinal legal study that draws on a review of pertinent scholarly literature, case law analysis, and legislative interpretation. The study's preliminary finding is that, although providing a much-needed regulatory foundation, the Surrogacy (Regulation) Act, 2021 is still insufficient to fully protect the rights of surrogate children. A more comprehensive legal framework is needed, one that ensures the equality, dignity, and legal recognition of surrogate children, aligns domestic law with international norms; and clearly defines parentage and nationality in surrogacy cases.

**Keywords:** *legal parenthood, citizenship, nationality, surrogacy, and Section 8 of the Surrogacy (Regulation) Act 2021.*

## Introduction

Assisted reproductive technology (ART) has provided a solution to the infertility problem by introducing the concept of surrogacy as a way of attaining parenthood by individuals and couples. Surrogacy became popular in India at the beginning of the 2010s because of the rise of medical technology and relatively cheap prices in comparison with the international rates. It was estimated that almost 25,000 children were born every year in India in 2012 after a surrogacy with almost half of the cases being that of international commissioning parents.<sup>1</sup>

This expansion made India a surrogacy center in the world until the recent regulatory interventions restricted the procedure. The current legal system that regulates surrogacy in India had gained a historic change with the introduction of the Surrogacy (Regulation) Act, 2021<sup>2</sup> that passed its law on January 2022. The Act bans commercial surrogacy and only allow altruistic surrogacy, and seeks to preserve the rights of surrogate mothers, and children born of such a process.

One of the key aspects of the Act is Section 8<sup>3</sup> that creates a statutory presumption that the intending couple shall be deemed to be the legal parents of the surrogate child at birth.

Although this provision is aimed at providing certainty of parental rights, its scope is not clear. The legislation lacks sufficient clarity in cases where there are no biological links between two parents, the prospective parents part ways prior to birth of the child, or when a parent passes away in the course of surrogacy. Besides, the Act does not discuss matters that are to do with nationality and citizenship especially where cross-border surrogacy is involved with foreigners or non-resident Indians (NRIs). These gaps underscore the research problem that the surrogate-born children could be highly vulnerable in terms of their legal parentage, identity, guardianship and their nationality.

Section 8 makes an assumption of parenthood but fails to rectify the complex family scenarios whereas lack of harmonization between the Surrogacy Act, other laws such as the Citizenship Act, 1955<sup>4</sup>, the Guardians and Wards Act, 1890<sup>5</sup>, and the Indian Succession Acts<sup>6</sup> causes fragmentation in the regime. Because of this, the foreign or NRI children of commissioning parents might have trouble obtaining citizenship, passports or the legal status of their parents home countries, and thus they will be at risk of statelessness. It is against this background that the current paper aims at critically analysing the statutory presumption of legal parentage under the Surrogacy (Regulation) Act, 2021<sup>7</sup> and its suitability in the complex family set-ups. It also

seeks to understand the issues of nationality and citizenship of what surrogate children born to foreign or NRI intending parents are, and how the Surrogacy Act conflicts with the other Indian laws which regulate citizenship, guardianship, and inheritance.

The main research questions are based on the extent to which the Section 8 gives legal parentage, the potential dangers of statelessness in cross-border surrogacy, and how the Surrogacy Act interacts with other laws to establish the legal identity and rights of children born to a surrogate. The approach taken is doctrinal as it relies on statutory interpretation, judicial decision and academic commentary to assess the existing legal framework. The paper critically compares and contrasts the Surrogacy (Regulation) Act, 2021<sup>8</sup> with other applicable laws to point out areas of inconsistencies and recommend changes.

## Review of Literature

There has been a rise of a large amount of literature on the legal aspects of surrogacy in India and elsewhere especially in the issue of parenting and nationality of surrogacy children. The reviewed articles shed light on constitutional issues, statutory uncertainties and comparative international issues, but all of them refer to the necessity of child-focused approach to the regulation of surrogacy.

**1. Legal Issues in Surrogacy Rights of the Child and the Surrogate<sup>9</sup>** by Jayna Kothari, a senior advocate and a founding director of the Centre for Law and Policy Research, is a good constitutional and reproductive rights angle to the debate. In her article, *Legal Issues in Surrogacy, Rights of the Child and the Surrogate* (2020), she highlights that the laws used should guarantee that all children born of surrogacy have full legal parentage and citizenship. Based on Articles 14<sup>10</sup> and 21<sup>11</sup> of the Indian Constitution and the United Nations Convention on the Rights of the Child (UNCRC), she makes the case of statutory clarity that recognizes the legal identity of the child regardless of the genetic connection or surrogate motherhood. Her analysis, in its turn, adds to the interpretation of Section 8 of the Surrogacy (Regulation) Act, 2021, in the rights-affirmative way.

**2. Surrogacy in India: A law in the Making<sup>12</sup>** by Swati Agrawal, who is a legal researcher with a study background in reproductive rights, studies the process of the Assisted Reproductive Technologies Bill and draft Surrogacy Regulation Bill. Her peer-reviewed article, published in the *Indian Journal of Health, Sexuality and Law*, (2019), reveals the uncertainties surrounding the definition

of the term intending parents and points out that without a clear statutory presumption of parenthood, there is the likelihood of surrogate children being stateless. Her work follows the history of the development of legislative drafts that resulted in the 2021 Act, and gives valuable historical background on the development of parentage provisions.

**3. Surrogacy and the Rights of the Child: A Legal Analysis<sup>13</sup>**, A child-rights based critique is in the stance of former member of the National Commission on Women, Rajyolakshmi Rao, in her Routledge work *Surrogacy and the Rights of the Child, A Legal Analysis*. She suggests that the surrogacy system in India has in the past favored the perspectives of commissioning parents and clinics to the neglect of the child and his right to identity, nationality and parental care. On the basis of the international requirements, such as Article 7 of the UNCRC<sup>14</sup>, Rao proposes law interpretation with a preference to the legal personhood of the child. Her writing can be found particularly pertinent to the analysis of Section 8 of the 2021 Act that assumes legal parentage but does not elaborate on protective measures to guarantee the rights to citizenship.

**4. Citizenship and Statelessness in International Surrogacy Arrangements.<sup>15</sup>**

The article *Citizenship and Statelessness in International Surrogacy Arrangements: A Child-Centric Approach* by legal theorist Smriti Sharma is rather a comparative viewpoint in the *Indian Journal of International Law*. She demonstrates how kids born due to cross-border surrogacy can end up being caught in gaps where the nation of origin of the commissioning parents and the nation of birth do not confer instant nationality. To avoid statelessness, Sharma believes that India needs to incorporate a child-friendly approach that is in tandem with the international level, such as the Hague Convention on Inter-Country Adoption<sup>16</sup>. This text underpins directly a reading of Section 8 in which constitutional and international child protection requirements are inculcated.

**5.** A wider international perspective is given by Professor Jens M. Scherp, a scholar of comparative law at the University of Cambridge, in ***The Legal Status of Children Born in the Results of Surrogacy Arrangements: International Trends and Domestic Responses***<sup>17</sup> (Insera, 2021). He criticizes the piecemeal nature of other jurisdictions pointing out that the use of genetic ties as the exclusive factor of parentage is one that violates the right of identity of the child in Article 7 of the UNCRC<sup>18</sup>. Another approach that Scherp would support to safeguard the nationality and legal identity of children born through surrogacy is harmonized international recognition

of intended parents, which may be helpful to place the 2021 Act of India in the context of global trends.

**6. In Surrogacy and Citizenship: A Conjunctive Solution to a Global Problems<sup>19</sup>** Caitlin Pyrcce continues the international angle into how statelessness in surrogacy cases is heightened by the lack of international consistency in domestic rules. She suggests a conjunctive model in terms of which the state of birth and the state of the intending parents play an important role in identifying legal parentage and nationality. Although global issues are the central point of her work, her work supports the necessity to make India harmonize its internal legislation with the collaborative international actions.

### **Identified Research Gap**

Although the above scholarship creates a strong foundation of the discussion of constitutional rights, statutory ambiguity, and international issues, one significant gap can be found: the Surrogacy (Regulation) Act, 2021 posits a presumption of legal parentage (under the Section 8) but fails to indicate the citizenship and nationality rights of surrogate children, particularly in inter-country settings. Current literature has pointed out the dangers of statelessness but has not gone any further to provide a doctrinal examination of how Section 8 can be construed to ensure the rights of children are upheld by both the constitutional and international law. This study will thus be an attempt to fill that gap. Although there are conflicting issues on statutory ambiguities and international issues, less research forms a doctrinal analysis of Section 8 in protecting both parentage and nationality as discussed in this research.

The study is also important as it can help to fill the immediate requirement of a logical and unified legal framework that will protect the rights of surrogate-born children. The study aims at filling in existing gaps in the current statutory scheme as well as providing inferences so as to contribute to the ongoing debate on the subject of reproductive rights, child rights and family law in India, and to also ensure that children born through surrogacy are not left in a statutory vacuum or statelessness.

### **I. Legal Aspects of Surrogate Motherhood and Nationality. As a conceptual framework**

#### **(a) Defining Parentage, Nationality, and Surrogacy.**

Parentage is defined as the legal acknowledgement of a person to be a parent of a child, rights and responsibilities of custody, guardianship, and inheritance. When it comes to surrogacy, the

issue of parentage is the question of who is legally considered the legal parent of the child, who is the birth parent, who is the biological parent, and with whom is the intended parentage. Nationality on the other hand is a legal status of a person which confers lien to a sovereign state giving the child a legal personality, citizenship rights and safeguard by the laws of that sovereign state. Parentage and nationality are both paramount in the determination of the legal status and identity of the child as well as the safeguarding of the child.

There are two main types of surrogacy defined as traditional and gestational. In standard surrogacy, the surrogate mother is recognized as the biological mother once the father's sperm fertilizes the intended mother's egg. Only gestational surrogacy, in which an embryo produced by in-vitro fertilization (IVF) is put into a surrogate who is not biologically related to the child, is allowed by the Surrogacy (Regulation) Act, 2021. The historical and ethical issues of surrogacy regulation under the Act include the theory of trying to simplify legal parenthood by disconnecting biological motherhood and childbirth.

**(b) Historical and Ethical Surrogacy Regulation.**

Before the Surrogacy (Regulation) Act, 2021, India had no clear number of statutory laws relating to the legal parentage and nationality of children born out of surrogacy. This vacuum generated some complicated legal ambiguities, and it has been largely left to judicial interpretation, the law of contract and ad hoc agreements. There were no clear parentage laws and this created problems in custody, inheritance and nationality particularly when it comes to foreign commissioning parents. Social and ethical scandals concerning exploitation, commodification of women bodies and surrogate children rights also took their place in the unregulated list.

This development of surrogacy in India raised concerns on ethical aspect of commercial surrogacy, rights of the surrogate mother and safeguarding the interest of the surrogate children. The issue of exploitation of economic disadvantaged women, consent, and child welfare was raising growing demands to regulate it. Also, the discussions of legalizing parentage and nationality to avoid statelessness and guarantee the identity and rights of the child were held. These social and ethical issues were directly the basis of the Surrogacy (Regulation) Act, 2021.

**(c) The 2021 Act, India's Statutory Regulation of Surrogacy**

In order to close the long-standing legislative vacuum and create a clear regulatory framework that governs surrogacy arrangements in India, the Surrogacy (Regulation) Act, 2021, was passed. The Act prioritizes the best interests of the child while defending the rights of intended

parents and surrogate mothers. Section 8 aims to establish legal clarity regarding paternity by allowing only altruistic gestational surrogacy and establishing a presumption of legal parenthood in favor of the intended couple. The continued need for reform and critical analysis is underscored by the existence of gaps, especially with regard to the citizenship and nationality of surrogate children born to foreign or non-resident persons.

## **II. The 2021 Surrogacy (Regulation) Act: Statutory Framework**

### **(a) Section 8 and the Presumption of Parentage**

A legal presumption that the intended pair will be acknowledged as the child's parents from birth is established under Section 8 of the Act. By superseding any claims made by the surrogate mother or other parties, this clause seeks to bring clarity. It is essential for settling conflicts over parentage and guaranteeing that the rights of the intended pair as parents are formally recognized. In order to protect the surrogate child's legal identity, this assumption is essential. The Act's uncertainty about citizenship and nationality creates significant legal loopholes.

Surrogate children run the danger of being stateless and having to deal with drawn-out legal disputes if there are no clear processes in place for automatically awarding Indian nationality or acknowledging claims of foreign nationality. Furthermore, certain surrogate children are legally susceptible since the strict qualifying conditions for intended parents preclude other family arrangements. To provide seamless legal parentage and nationality recognition for all surrogate kids, the Surrogacy Act must be in line with existing guardianship and nationality laws.

### **(b) Important Cases Associated with Nationality and Statelessness**

1. *Jan Balaz v. Anand Municipality & 6 Ors (Gujarat High Court, 2008)*<sup>20</sup>-

In this rare case, a German couple had twin boys through surrogacy in India. The nationality of the kids became a disputed topic. India first denied them Indian passports despite their Indian surrogate birth, while Germany denied them citizenship due to their birth circumstances. Using Section 3(1)(c) of the Citizenship Act, 1955, which confers citizenship if either parent is Indian, the Gujarat High Court decided that the children were Indian citizens because they were born in India to an Indian surrogate mother.

This decision led to important legislative initiatives, including as the prohibition of commercial surrogacy for foreigners, and increased awareness of the legal uncertainties concerning

nationality following surrogacy. However, the Indian government filed an appeal, highlighting the continued uncertainty of the statute. The court's authority over surrogate children's citizenship and parental rights is emphasized in this case.

*2. Baby Manji Yamada v. Union of India v. Supreme Court of India (2008)*<sup>21</sup>

In one instance, a Japanese couple divorced and their kid was born through an Indian surrogate, rendering the infant stateless. The father was unable to bring the kid to Japan because of visa constraints, and the mother refused to give up custody. The Supreme Court stepped in, ordering the Japanese embassy to grant travel visas and recommending that the Indian government draft clear surrogacy regulations that put the child's wellbeing first. This case brought to light the lack of legal certainty around paternity and custody as well as the urgent need for comprehensive surrogacy rules to safeguard rights.

*3. Rihannon Mrs. Vimla Devi & Ors v. Elizabeth Nixon (2013 — Delhi High Court)*<sup>22</sup>

In one instance, a British commissioning mother requested legal recognition and travel permissions for an Indian-born surrogate kid. The child's nationality was the main worry since surrogacy was complicated by the lack of special provisions for surrogacy in Indian nationality legislation. By ordering authorities to expedite the granting of travel papers, the Delhi High Court brought attention to the danger of surrogate children in cross-border scenarios. This decision demonstrated the lack of coherent frameworks between Indian and foreign nationality rules and demonstrated how legal inconsistencies might postpone or impede children's rights to citizenship and identity.

*(c) International Surrogacy: Custody and Guardianship Conflicts*

*1. Mrs. Radha & Ors v. Mr. Hassan Ezadi Chamkhorami (2011 — Delhi High Court)*<sup>23</sup>

In this instance, an Iranian commissioning father requested custody of an Indian-born surrogate kid. When the surrogate mother and others refused to give up their parental rights, there was debate over the enforceability of surrogacy agreements and the scope of guardianship rights for foreigners. The Delhi High Court struck a balance between the child's welfare and the surrogacy agreement's purpose. The verdict reiterated the judiciary's need to find a balance between contractual duties and the welfare of the children, and also highlighted the difficulties experienced by foreign intended parents in obtaining legal custody under Indian law.

2. *The Delhi High Court heard the case of Mrs. Mali Tamang & Anr. v. Mr. Rajeev Verma & Anr. in 2015*<sup>24</sup>

In this instance, the intended parents, who were Indian, and the surrogate mother fought for custody after entering into a surrogacy arrangement. Because the intended parents commissioned the surrogacy, the court had to determine whether they should be acknowledged as legal parents. The Delhi High Court stressed that the child's best interests come before the parents' competing rights, which is in accordance with the idea later stated in Section 8 of the Surrogacy (Regulation) Act, 2021. The decision showed how courts have consistently put children's wellbeing ahead of biological or contractual issues and exposed the lack of statutory clarity at the time.

**(d) *Judiciary Juggling of Nationality, Parentage, and Biological Claims***

With a heavy emphasis on the welfare and legal identity of the child, courts have continuously maintained the Section 8 presumption that the intended parents are the kid's legal parents from birth. Courts have been safeguarding surrogate children's rights to legal identity, guardianship, custody, and inheritance in spite of statutory gaps. Legislative clarification is needed for the Surrogacy (Regulation) Act of 2021's provisions pertaining to nationality and parentage.

In interpreting Section 8's presumption of lawful parentage and settling nationality issues, the courts have played a crucial role. Nonetheless, its decisions have brought to light important ambiguities and shortcomings in the legislation. Although it provides a basic framework for legal parental recognition, the Surrogacy (Regulation) Act of 2021 does not provide particular guidance on important issues in complicated cases like divorce, the death of intended parents, or the lack of biological links. Additionally, it disregards how citizenship and nationality are decided for children born through surrogacy, especially when the parents are foreign or non-resident. Since these shortcomings have resulted in erratic court rulings and protracted litigation, comprehensive legislative change is required to provide clarity and safeguard the legal status and rights of surrogate children.

### **III. Assessment of the 2021 Surrogacy (Regulation) Act**

Section 8 of the Surrogacy (Regulation) Act, 2021, which establishes a presumption of legal fatherhood for the intended couple, is a significant development in Indian surrogacy regulations. However, a thorough examination shows that the Act contains serious

shortcomings that jeopardize the identity, citizenship, and legal safeguards of surrogate children while also falling short of adequately ensuring their rights to nationality and parentage in all circumstances.

**(a) Inadequate Protection of Nationality and Parentage Rights**

There are significant issues with the absence of explicit rules governing the nationality and citizenship of surrogate children, especially those born to foreign or non-resident commissioning parents. Without automated procedures to grant Indian citizenship or properly recognize foreign nationality, there is a significant possibility of statelessness. This legal issue may limit surrogate children's access to social aid and fundamental rights. The differences in the Surrogacy Act and related laws also affect children's guardianship and inheritance rights, and even jeopardize their legal identity.

**(b) There is a need for harmonization with related laws.**

The rights of intended parents are acknowledged in Section 8 of the Surrogacy (Regulation) Act, 2021, however problems with the current national and international legal frameworks are disregarded.

- Conflict with the 1955 Citizenship Act  
The Act assumes parental rights but does not mention citizenship. The Citizenship Act mainly bases nationality on birth or descent. Children of foreign commissioning parents or without genetic ties may fall outside the statutory scheme, creating a disconnect between nationality and parentage.
- Conflict with the Guardians and Wards Act of 1890  
Despite the Surrogacy Act's goal of giving intended parents parental acknowledgment, there are still questions regarding guardianship laws, especially when baby comes to custody or welfare issues. This creates a conflict with the Section 8 guarantee of parental status.
- Conflict with international obligations (the UNCRC, the Hague Convention) Every child is guaranteed the right to identity, nationality, and parental care under Article 7 of the UNCRC. Since the 2021 Act does not specifically address nationality in surrogacy agreements, particularly when they are cross-border, it may be in violation of India's treaty responsibilities.

### (c) Overemphasis on Genetic Relationships

Genetic relationships are frequently given precedence over deliberate actions in Indian court procedure, which has been influenced by instances such as *Jan Balaz v. Union of India*. The balance between statutory law and court precedent is upset because Section 8 presumes the parenthood of intended parents. To effectively safeguard children's rights, a clear and precise legal framework is needed to clarify the connection between citizenship and surrogate motherhood.

## **IV. Suggestions for Child-Centric Policy and Legislative Reform**

The possibility of statelessness should be eliminated by amending the Surrogacy (Regulation) Act to explicitly declare that surrogate children born in India to Indian intended parents or recognized foreign parents are entitled to Indian citizenship at birth.

- Recognize surrogate children's nationality rights in cross-border surrogacy through reciprocal legislative requirements. Guarantee smooth citizenship recognition in the parents' countries.
- Provide procedures for quickly resolving conflicts in the child's best interests. Clarify parentage assumptions in complex situations, such as divorce or the death of the intended parents.
- Incorporate provisions that comply with inheritance and guardianship regulations. Make sure the rights to custody and inheritance of the surrogate kid are explicitly safeguarded.
- To protect the rights of children born through surrogacy from excluded groups, the Act should either broaden its eligibility requirements or offer protective coverage.

The needs of the surrogate child and legal stability should come first in policy creation. This includes safeguards against identity denial and statelessness. Coordination on both domestic and international levels is vital. This should involve fast processes for birth registration, citizenship documents, and legal recognition in cross-border surrogacy cases. The best interests of the child should guide how authorities manage oversight and resolve disputes.

## **Conclusion of the study**

Focusing on the Surrogacy (Regulation) Act, 2021, this study has critically examined the legal framework surrounding the parentage and nationality rights of surrogate children in India. The Act creates a legal presumption in favor of the intended couple. This important rule aims to

make the parentage of surrogate children more clear. Maintaining the intended family structure and safeguarding the child's legal identity depend on this presumption.

This covers circumstances in which there is no biological relationship, in which intended parents die or divorce, or in which disagreements emerge due to cross-border surrogacy. In the absence of precise standards, the court's judgment is used to determine paternity in specific situations, which might cause ambiguity and inconsistent results. More significantly, children born to foreign or non-resident Indian (NRI) parents and surrogate children are at danger of statelessness due to the Act's silence on nationality and citizenship status.

By maintaining the assumption of parenthood and extending safeguards with respect to identification, guardianship, and inheritance, judicial interpretations in instances such as Baby Manji Yamada and Jan Balaz have attempted to close legislative gaps. These decisions highlight the limitations of relying solely on judicial ingenuity to resolve fundamental legislative problems.

Because of the Surrogacy (Regulation) Act's ambiguous legislative integration with other laws, including the Citizenship Act of 1955 and guardianship legislation, surrogate children remain in a vulnerable legal situation.

The study calls for immediate legislative reform to align surrogacy parentage laws with nationality and citizenship laws. Reforms should include:

- Clear nationality clauses to prevent statelessness in both domestic and international agreements.
- Specific eligibility and parental requirements to address the deaths, divorces, or separations of intended parents.
- Conflict resolution techniques that prioritize the child's care and best interests.
- Consistency with international standards: India's framework should be compliant with international child protection standards by putting similar procedures and conventions into effect.

The rights and welfare of surrogate children must be given top priority in policy frameworks. This entails addressing power disparities between intended parents and surrogates, guaranteeing equitable access to surrogacy services, and defending children's rights to nationality, identity, and family stability both domestically and abroad.

The Surrogacy (Regulation) Act of 2021 must ultimately serve as the cornerstone of India's upcoming legal system. It is high time that a more comprehensive and inclusive strategy is brought, one that gives surrogate children legal certainty while simultaneously defending their rights and dignity. To ensure that surrogate children are not only legally recognised but also granted all the rights that uphold their status as equal members of society.

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<sup>2</sup> Surrogacy (Regulation) Act, 2021

<sup>3</sup> Surrogacy (Regulation) Act § 8.

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<sup>6</sup> Indian Succession Act, 1925 (India).

<sup>7</sup> Surrogacy (Regulation) Act, 2021

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<sup>19</sup> Caitlin Pyrcce, *Surrogacy and Citizenship: A Conjunctive Solution to a Global Problem*, 19 *Ind. J. Global Legal Stud.* (Summer 2016); Indiana University Maurer School of Law

<sup>20</sup> Jan Balaz v. Anand Municipality & 6 Ors., AIR 2009 Guj 52 (Gujarat H.C. 2008).

<sup>21</sup> Baby Manji Yamada v. Union of India, W.P.(C) No. 364 of 2008 (S.C. India Feb. 6, 2008).

<sup>22</sup> Rihannon Elizabeth Nixon v. Vimla Devi & Ors., W.P.(C) No. 1837/2013 (Delhi H.C.).

<sup>23</sup> Hassan Ezadi Chamkhorami v. Radha & Ors., CS (OS) No.94/2011 (Delhi H.C.).

<sup>24</sup> Rajeev Verma & Anr. v. Mali Tamang & Anr., FAO (OS) No.467/2014 (Delhi H.C.).