
**SURROGACY IN ANCIENT INDIA: A LOOK AT THE
MAHABHARATA AND PURANAS**

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ABSTRACT:

At the threshold of the scientific era of the 21st century, it is no wonder that surrogacy is becoming increasingly popular in curing infertility. Although it is needless to say that surrogacy was widely used in curing infertility even in ancient times. Therefore, it can be said that the continuity of surrogacy methods flows from ancient times to modern times. Therefore, in this context, it is noteworthy that like the characters of ancient times, current celebrities who are struggling with infertility are also expanding their families through surrogacy methods. And by greatly strengthening the practice of surrogacy methods, they are also motivating the common people to adopt this method in accordance with the law. Therefore, the knowledge of surrogacy is not new but has been prevalent since ancient times and this is the main purpose of my discussion. Although there are doubts about how scientific it was. Surrogacy, often perceived as a modern reproductive technology, has its roots in ancient India. This article explores the concept of surrogacy in the Mahabharata Puranas mention surrogacy in various stories, often involving divine or supernatural elements.

KEYWORDS: Surrogacy, Niyoga, Mahabharata, Puranas, Lineage, Dharma, Ancient India.

1. INTRODUCTION:

Surrogacy, though often viewed as a modern reproductive technology, finds symbolic and narrative parallels in ancient Indian literature, particularly in the Mahabharata and various Puranas. These texts reveal that the desire for progeny and lineage preservation was deeply embedded in ancient Indian society, and alternative methods of childbirth were culturally

acknowledged. One of the most prominent examples appears in the Mahabharata with the birth of the Kauravas. Queen Gandhari carried a lump of flesh for an extended period, which was later divided into one hundred parts and placed in earthen pots filled with ghee. From these pots, the Kauravas were born. Though not surrogacy in the modern medical sense, the process reflects an early conceptualization of assisted reproduction and external gestation.

Another significant narrative is that of Kunti, who invoked divine beings through a sacred mantra to bear children. Through this practice, she gave birth to sons fathered by different deities, ensuring the continuation of the royal lineage. This resembles a form of divine intervention akin to donor conception.

In the Puranic tradition, the story of Balarama is often cited. According to legend, the embryo of Balarama was transferred from the womb of Devaki to that of Rohini to protect him from King Kamsa. This narrative closely parallels the modern idea of embryo transfer, a key technique in gestational surrogacy.

These mythological accounts indicate that ancient Indian thought was not unfamiliar with unconventional methods of reproduction. While these stories are symbolic and rooted in divine intervention, they demonstrate an early cultural imagination of reproductive alternatives. Thus, ancient Indian epics and Puranas provide valuable insight into historical perceptions of lineage, motherhood, and assisted procreation.

The literal meaning of the word 'surrogate' is 'substitute' and 'altered'. The word 'surrogate' is derived from the Latin word 'surrogates'. Surrogacy is a system in which a woman becomes pregnant and enters into an agreement with a couple or an individual to give birth to a child or children. A surrogate mother is a woman who carries a child for someone else and hands over the child to someone else according to the agreement after the birth. This surrogate mother may or may not be the genetic mother of the child. The Bengali synonym of this English word 'surrogate' is 'surrogate motherhood'. 'Surrogate motherhood' became popular in the West in the 20th century. The first surrogate motherhood was introduced in the United States in 1976. The surrogacy method became widely popular in Europe in the late 1980s. And in that year, the issue of surrogate motherhood came to the attention of the national level with the Baby-M- case. Also, the first IVF baby was born in the United States in 1978. The name of the world's first IVF baby is Louise Brown.

1.1 Aspects of Surrogacy:

In ancient India, practices resembling surrogacy were deeply rooted in spiritual and familial obligations rather than medical intervention. Such arrangements were often undertaken to fulfill divine purposes, preserve lineage, or discharge religious duties toward ancestors. There was no concept of modern reproductive technology; instead, methods relied on spiritual beliefs, supernatural narratives, ritual authority, and socially sanctioned traditional practices. Within specific contexts, these arrangements were depicted as socially accepted and morally justified, particularly when they aimed at ensuring continuity of the family line.

These ancient methods reflect the cultural, spiritual, and social norms of their time, where procreation was closely linked with dharma and lineage preservation. While modern surrogacy and ancient forms of alternative conception share the common objective of helping individuals or couples have a child, they differ significantly in their methods, ethical frameworks, legal regulations, and social implications.

2. Objectives of Study

The primary objective of this study is to examine the concept and practice of surrogacy in ancient India through a critical analysis of classical texts such as the Mahabharata and the Bhagavata Purana. The study aims to explore how alternative methods of procreation, including Niyoga, divine invocation, and supernatural embryo transfer, were understood within their social, religious, and cultural contexts. It seeks to analyze the underlying purposes of these practices, particularly the preservation of lineage, fulfillment of dharma, and protection of inheritance rights. Another objective is to differentiate between ancient surrogacy-like traditions and modern medically assisted surrogacy, highlighting similarities and differences in ethical, legal, and social dimensions. Furthermore, the study intends to assess the spiritual legitimacy and societal acceptance of such practices in ancient times. By doing so, the research aims to contribute to a deeper historical and cultural understanding of surrogacy, demonstrating that while modern technology has transformed reproductive methods, the fundamental human desire for parenthood and lineage continuity has remained constant across centuries.

3. Surrogacy in ancient India

In this context, when surrogacy was introduced in the East, that is, in India, we can only mention the Puranas and the Mahabharata to limit the scope of the discussion. The practice of surrogacy was prevalent in ancient Hindu society. According to this practice, if the husband

was impotent or unable to bear children or died, in order to preserve the lineage, women who were childless could become couples claiming the child if they conceived through their brother-in-law or brother-in-law or through any other man. This practice of surrogacy is also another form of surrogate motherhood. This practice of surrogacy is also called surrogate fatherhood in ancient society. In the Mahabharata, this surrogate motherhood and surrogate fatherhood are also mentioned in several places. For example-

1. An ancient form of surrogate motherhood is seen in the story of the birth of Bhishma.
2. In the story of the birth of Dhritarashtra and Pandu, Vedvyas can be shown as a surrogate father.
3. In the Mahabharata, it is mentioned that Kunti had sexual relations with Surya and gave birth to Karna, and later Pandu had sexual relations with Madri and Nakula and Sahadeva were born. These can also be considered ancient forms of surrogacy.
4. Also, in the early part of the Mahabharata, there is a mention of a child born through a reed, which can be considered an example of surrogacy.

2.1. In the Puranas, there are also hints of surrogacy and surrogacy in several places. For example

1. In the Narada Purana, the gods and demons are born from the womb of Aditi Diti, the daughter of Daksha Prajapati, by having sexual relations with Kashyap Muni, which is an ancient form of surrogacy.
2. In the Vishnu Purana, Ved Vyas is born from the sexual relations of Satyavati with Parashara, which is one of the forms of surrogacy.
3. In the Shiva Purana, Kartika is born from the semen of Shiva, which is an example of surrogacy or surrogacy.

There are also many other examples in other Puranas and the Mahabharata where hints of surrogacy or surrogacy or surrogacy are found. Therefore, the main objective of my research is to investigate whether this concept of surrogate motherhood in ancient India is not new, but rather an ancient and traditional practice. Surrogate motherhood is a type of surrogate mother who carries the pregnancy for someone else and, when the child is born, hands it over to the couple who want to have a child, either in exchange for money or in some cases without taking money.

The New Encyclopedia Britannica defines “Surrogate Motherhood as the practice in which a woman bears a child for a couple unable to produce children in the usual way.”

In ancient literature, in the Puranas and the Mahabharata, the story of the child born from a tree is narrated in verses 121-125 of the third chapter of the early part of the Mahabharata - “tataḥ kālēna mahātmānaṁ putraṁ jātaṁ nalātmajam. Damayāntī nalaṁ papraccha kim karōmi narōttamam”. 121.

“Nala ubāca bhadrē tbaṁ putraṁ pālayasba yathāsukham. Ahaṁ rājyaṁ gamiṣyāmi putraṁ tē pālyaṣyati”.122

These verses narrate the story of the birth of a child from a reed and Damayanti is shown as a surrogate mother. This chapter is also known as ‘Nalopakhayana’. In this story, Ambika and Ambalika act as surrogate mothers because although they are wives of a strange virya, they give birth to the son Vyasa who was incanted. In the 11th chapter of the first volume of the Narada Purana among the 18th Puranas, it is said- “dakṣaḥ prajāpatiḥ kaṇyē aditiṁ ditimēba ca.” Kāśyapāya dadau tābhyāṁ jajñatu dēbasurāḥ”.11.1

Here, the gods and demons are born by the sexual intercourse of Aditi and Diti, the daughters of Daksha Prajapati, with the sage Kashyap, which is an ancient form of surrogate motherhood.

Narada Purana, Part 2, Chapter 69 shows -“bṛhaspatēḥ patnī tārā candrēṇa saha mōhitā. Budha jātaṁ tasyāḥ garbhē candrēṇa saha mōhitā”. 69.1

Here, Brihaspati’s wife Tara Chandran had sexual relations with her and gave birth to Budha, so Tara acted as a surrogate mother according to this story. In the second chapter of the fifth part of the Vishnu Purana, it is also said -“kuntī sūryēna saha yaunaṁ kṛtbā karṇaṁ jajñē. Sūryēra saha yaunaṁ kṛtbā karṇaṁ jajñē kuntī”.. Here too, Kunti has had relations with Lord Surya and given birth to Karna and acted as a surrogate mother. Also, many other stories, facts, etc. from the Puranas and Mahabharata prove that the concept of surrogate motherhood is not new in ancient India but is an ancient and traditional practice.

Examples: Here are a few examples: Vasudev and Devaki's Surrogacy: In the Bhagavata Purana, Vasudev's wife Devaki's children are transferred to Rohini's womb, making Rohini the surrogate mother of Balarama and other children.

Yashoda and Krishna's Surrogacy: Yashoda, Nanda's wife, becomes Krishna's surrogate mother, raising him as her own in Gokula.

Kishtkindha's Surrogacy: In the Ramayana (also mentioned in some Puranas), Aruja (Angada's mother) is a surrogate mother, as her husband Vali's seed is planted in her womb.

These stories often involve: Divine intervention: Gods or sages facilitate surrogacy.

Lineage continuation: Surrogacy ensures continuation of family lines.

Spiritual significance: Surrogacy is often tied to fulfilling divine purposes.

These narratives show surrogacy as a means to achieve spiritual, familial, or divine goals, reflecting ancient India's cultural and spiritual context. and Puranas, two of the most revered Hindu scriptures. We examine the stories of Kunti and Gandhari, who opted for surrogacy due to circumstances, and the role of surrogate mothers like Devaki and Yashoda in raising prominent deities. Our analysis reveals that surrogacy was not only accepted but also revered in ancient Indian society, with surrogate mothers holding a position of respect and honor. We argue that these ancient narratives offer valuable insights into the evolution of reproductive practices and challenge the notion that surrogacy is a modern phenomenon. By examining these ancient texts, we shed light on the cultural and historical context of surrogacy, providing a nuanced understanding of this complex and multifaceted issue.

3.2. In the Mahabharat, surrogacy is depicted through the story of Kunti and Gandhari.

Kunti's Surrogacy: Kunti, Pandu's wife, uses a boon to invoke gods and conceive sons - Yudhishtira (Dharma Raja), Bhima (Vayu), and Arjuna (Indra). She also shares this boon with Madri, Pandu's second wife, who conceives twins Nakula and Sahadeva (Ashvin Kumaras).

Gandhari's Surrogacy: Gandhari, Dhritarashtra's wife, was given a boon of 100 sons but had a lump of flesh instead. Vyasa, the sage, divided the lump into 101 pieces, which were nurtured in jars by a surrogate mother, giving birth to Duryodhana and his siblings.

These stories show that surrogacy was a known concept in ancient India, used to address issues of infertility and lineage continuation. The practice was often facilitated by spiritual or supernatural means. Puranas mention surrogacy in various stories, often involving divine or supernatural elements. Here are a few examples:

Vasudev and Devaki's Surrogacy- In the Bhagavata Purana, Vasudev's wife Devaki's children are transferred to Rohini's womb, making Rohini the surrogate mother of Balarama and other children. Kishkindha's Surrogacy - In the Ramayana (also mentioned in some Puranas), Aruja (Angada's mother) is a surrogate mother, as her husband Vali's seed is planted in her womb. These stories often involve:

- **Divine Intervention:** In ancient Indian narratives, gods or sages often played a direct role in facilitating conception through blessings, boons, or sacred mantras. Such interventions were believed to enable childbirth in extraordinary circumstances, reflecting faith in divine power over human reproduction.
- **Lineage Continuation:** Surrogacy-like practices were primarily undertaken to ensure the continuation of the family line (वंश). Having an heir was considered essential for inheritance rights, preservation of the family name, and performance of ancestral rites.
- **Spiritual Significance:** These practices were deeply connected with religious duty (dharma). Surrogacy was not merely a personal choice but was often viewed as fulfilling divine purposes, maintaining social order, and upholding sacred familial responsibilities.

These narratives show surrogacy as a means to achieve spiritual, familial, or divine goals, reflecting ancient India's cultural and spiritual context.

4. Methods of Surrogacy in Ancient India

4.1 Niyoga System: The practice of Niyoga, mentioned in the Mahabharata, was followed when a husband was infertile, deceased, or otherwise incapable of fathering a child. In such circumstances, the wife was permitted, with the consent of family elders, to conceive a child with a selected man—often a close relative or a respected sage. The primary objective of this arrangement was to preserve the family lineage and ensure the continuation of inheritance and religious duties. Importantly, the child born through this union was legally and socially regarded as the offspring of the husband, not the biological father. A well-known example is Sage Vyasa fathering Dhritarashtra and Pandu through Ambika and Ambalika after the death of King Vichitravirya.

4.2 Divine Invocation (Mythological Surrogacy): An example of alternative conception is also described in the Mahabharata, where Kunti invoked different deities through sacred mantras to bear sons. Blessed with a boon by Sage Durvasa, she called upon gods such as Dharma, Vayu, and Indra, giving birth to Yudhishtira, Bhima, and Arjuna. These children

were socially and legally accepted as legitimate heirs of King Pandu, despite not being biologically his. This narrative symbolically reflects the cultural acceptance of non-traditional or divine methods of conception in ancient Indian society.

4.3 Levirate-like Practices: In some ancient Indian traditions, a brother-in-law was permitted to assist in continuing the family lineage when a husband died without an heir or was incapable of fathering a child. This practice was primarily aimed at preserving the family name, maintaining property rights, and ensuring the performance of essential religious rites. Such arrangements were not considered personal relationships but social duties performed for the sake of lineage continuity. Importantly, social approval and proper ritual sanction were essential to legitimize the union and the status of the child born from it.

4.4 Adoption (Dattaka System): Adoption was recognized in ancient Dharmashastra texts as a legitimate means of continuing the family lineage. An adopted son was treated as a biological heir, enjoying similar rights in matters of inheritance, family name, and social status. The primary purpose of adoption was to ensure the continuation of the lineage and the proper performance of funeral rites and ancestral rituals, which were considered essential religious duties. Although adoption did not involve biological surrogacy, it fulfilled similar social and religious purposes by securing an heir for the family.

4.5 Ritual and Blessing-Based Conception: Some Puranic narratives describe conception through yajnas (sacrificial rituals), divine blessings, or sacred offerings granted by sages and gods. In these accounts, children were born as a result of spiritual power, ritual performance, or divine intervention rather than ordinary biological union. Such symbolic births highlight the strong belief in divine will and sacred assistance in matters of procreation. These stories reflect the cultural acceptance of assisted or extraordinary methods of conception in ancient Indian thought.

These methods demonstrate that ancient Indian society accepted alternative reproductive arrangements primarily to preserve lineage, inheritance rights, and religious duties.

Ancient Indian texts describe several symbolic forms of alternative conception. In the Mahabharata, divine invocation is illustrated through Kunti, who used sacred boons to invoke gods and conceive sons. Another example appears in the Bhagavata Purana, where the embryo of Devaki was mystically transferred to Rohini to protect the child, reflecting the idea of spiritual or supernatural embryo transfer. The practice of Niyoga allowed a woman to

conceive a child for lineage continuation, often with the husband's brother or a designated sage, under social and ritual approval. Additionally, boon-facilitated conception was common in mythological narratives, where women received blessings from sages or deities that enabled them to bear children. Together, these traditions reflect the ancient belief in divine assistance and socially sanctioned alternative methods of procreation.

5. Surrogacy in Modern India

Surrogacy in modern India has evolved from a largely unregulated practice into a strictly regulated legal framework. During the early 2000s, India became a global hub for commercial surrogacy due to relatively low costs and advanced medical facilities. Many foreign couples sought assisted reproductive services in cities like Anand in Gujarat, leading to ethical debates about exploitation, women's rights, and commercialization of motherhood. To address these concerns, the Government of India enacted the Surrogacy (Regulation) Act, 2021. This law prohibits commercial surrogacy and permits only altruistic surrogacy, where no monetary compensation is given to the surrogate mother except for medical expenses and insurance coverage. The Act allows surrogacy only for Indian heterosexual married couples who meet specific eligibility criteria, including proven infertility. It also sets age limits for intending parents and surrogate mothers and establishes national and state surrogacy boards to regulate clinics and procedures.

Modern surrogacy in India relies on advanced reproductive technologies such as in vitro fertilization (IVF), ensuring medical supervision and legal documentation. While the law aims to protect surrogate mothers from exploitation and safeguard the rights of the child, it has also sparked debates about inclusivity, reproductive autonomy, and access for single individuals and LGBTQ+ couples. Modern surrogacy methods primarily involve two types: traditional surrogacy and gestational surrogacy.

5.1 Types of Surrogacy in Modern India

Traditional Surrogacy: In traditional surrogacy, the surrogate mother is also the biological (genetic) mother of the child because her own eggs are used in the conception process. Fertilization usually occurs through intrauterine insemination (IUI), a medical procedure in which sperm is directly placed into the woman's uterus during her ovulation period to increase the chances of pregnancy. In some cases, fertilization may also take place through In vitro fertilization (IVF), where the egg is fertilized with sperm outside the body in a laboratory and then implanted into the uterus. The sperm used may come from the intended

father or a donor. Since the surrogate has a genetic connection with the baby, this arrangement can lead to emotional attachments and legal complications, particularly concerning parental rights and custody. Due to such complexities, traditional surrogacy is less commonly practiced today.

Gestational Surrogacy: In gestational surrogacy, the surrogate mother has no genetic connection to the child. An embryo is created in a laboratory using IVF, combining the egg and sperm of the intended parents or donors. Once fertilization occurs, the embryo is transferred into the surrogate's uterus, where she carries the pregnancy to term. Because the surrogate does not contribute her eggs, she has no biological link to the baby, which usually makes legal parentage clearer and reduces the risk of disputes. For these reasons, gestational surrogacy has become the most common and widely accepted form of surrogacy practiced worldwide today.

5.2.Key Differences Between Traditional and Gestational Surrogacy

1. Genetic Link: Traditional surrogacy involves a genetic link between surrogate and child; gestational surrogacy does not.
2. Method of Conception: Traditional often uses IUI; gestational always requires IVF.
3. Legal Clarity: Gestational surrogacy has a clearer legal framework because the surrogate is not the biological mother.
4. Emotional Complexity: Traditional surrogacy may involve greater emotional attachment and potential disputes.
5. Prevalence: Gestational surrogacy is more widely accepted and commonly practiced in modern reproductive medicine.

Both methods aim to help individuals or couples have a child, but they differ significantly in biological, legal, and emotional aspects.

6. Differences between Ancient surrogacy and Modern surrogacy:

Ancient surrogacy was rooted in religious duty, lineage preservation, and social customs, often expressed through practices like Niyoga and divine invocation, as seen in the Mahabharata. It relied on traditional, spiritual, or socially sanctioned arrangements without medical intervention. In contrast, modern surrogacy is based on scientific reproductive technologies such as IVF and is governed by legal frameworks like the Surrogacy (Regulation) Act, 2021. While both aim to help individuals or couples have children, ancient

surrogacy was culturally driven and informal, whereas modern surrogacy is medically assisted, legally regulated, and ethically debated.

Technology: Ancient surrogacy relied on spiritual or natural means, while modern surrogacy uses advanced medical technology.

6.1. Basis and Purpose: In ancient times, practices resembling surrogacy were primarily aimed at preserving lineage (वंश), securing inheritance rights, and ensuring the performance of religious rites for ancestors. The birth of a son was considered essential for continuing the family name and fulfilling dharma. In contrast, modern surrogacy is mainly undertaken to address medical infertility or biological limitations. The focus today is on enabling individuals or couples to experience parenthood through scientific and medical support rather than fulfilling ritual obligations.

6.2. Method of Conception: Ancient surrogacy relied on customary practices such as Niyoga, divine invocation, blessings from sages, or ritual sanction, as described in texts like the Mahabharata. These methods were rooted in spiritual belief systems and social norms, without any medical technology. Modern surrogacy, however, depends on assisted reproductive technologies such as In vitro fertilization (IVF), embryo transfer, and hormonal treatments, all conducted under clinical supervision.

6.3. Legal Framework: In ancient society, such arrangements were governed by customs, family consent, and dharma-based norms. There was no formal statutory regulation comparable to today's laws. Modern surrogacy, by contrast, is strictly regulated through legislation, legal contracts, and medical guidelines, such as the Surrogacy (Regulation) Act, 2021, which sets eligibility criteria and safeguards.

6.4. Genetic Understanding: Ancient societies had limited scientific knowledge of genetics. Emphasis was placed on social fatherhood and lineage rather than biological connection. In modern times, there is a clear distinction between genetic parents, gestational carriers, and intended parents, based on advanced biological science.

6.5. Role of Women: In ancient contexts, women often participated due to social expectation or family pressure to preserve lineage. Modern surrogacy emphasizes informed consent, medical care, legal protection, and the rights and well-being of surrogate mothers.

6.6. Ethical and Social Debate: Ancient practices were generally accepted within specific cultural and religious frameworks. In contrast, modern surrogacy is widely debated globally, raising ethical questions about commercialization, exploitation, reproductive autonomy, and equality.

6.7. Scope and Accessibility: Ancient surrogacy-like practices were limited to particular families, often royal or elite lineages. Modern surrogacy, however, is available to eligible couples under defined medical and legal conditions, making it more structured and accessible within regulated boundaries.

Thus, although both ancient and modern surrogacy share the goal of achieving parenthood, their context, methods, regulation, and ethical implications differ significantly.

7 Legal aspect of Surrogacy in India

The legal aspect of surrogacy in India is primarily governed by the Surrogacy (Regulation) Act, 2021. The law permits only altruistic surrogacy and strictly prohibits commercial surrogacy. It lays down eligibility criteria for intending couples and surrogate mothers, ensuring medical necessity and informed consent. All surrogacy procedures must be conducted through registered clinics under proper supervision. The Act also provides legal safeguards for the child born through surrogacy, recognizing them as the biological child of the intending couple. Violations, including exploitation or commercialization, attract penalties such as imprisonment and fines, ensuring ethical and legal regulation of the practice.

7.1. Surrogacy (Regulation) Act, 2021:

The law governing surrogacy in India is the Surrogacy (Regulation) Act, 2021, which came into force to regulate the practice and prevent exploitation of women. Before this Act, India had become a major center for commercial surrogacy, attracting both domestic and foreign couples. However, concerns regarding commercialization, lack of legal clarity, and the protection of surrogate mothers led the government to introduce strict regulations.

Altruistic surrogacy: The Act permits only altruistic surrogacy, meaning the surrogate mother can receive medical expenses and insurance coverage but no additional financial compensation.

Commercial surrogacy: Commercial surrogacy is strictly prohibited. The law allows surrogacy for Indian heterosexual married couples who are medically proven to be infertile. The couple must meet prescribed age criteria, and they cannot already have a surviving biological or adopted child (with certain exceptions).

The surrogate mother must also fulfill specific conditions: she must be a married woman within a defined age group, have at least one biological child of her own, and can act as a surrogate only once in her lifetime. Written consent and medical as well as psychological fitness certificates are mandatory.

The Act establishes National and State Surrogacy Boards to supervise and regulate surrogacy clinics. All assisted reproductive technology (ART) clinics must be registered, and violations—such as commercial surrogacy, exploitation, or abandonment of the child—are punishable with imprisonment and fines.

Overall, the Surrogacy (Regulation) Act, 2021 aims to balance the desire for parenthood with ethical safeguards, ensuring protection of surrogate mothers and children while preventing misuse and commercialization of the practice in India.

8 Social and Spiritual Significance of Surrogacy in Ancient India

8.1. Preservation of Lineage (वंश परंपरा): In ancient Indian society, continuation of the family lineage was of utmost importance. The absence of an heir, especially a son, was considered both a social and spiritual crisis. Practices such as Niyoga, described in the Mahabharata, were permitted to ensure that the family line did not end. Surrogacy-like arrangements were therefore seen as a duty toward ancestors and future generations rather than a personal choice.

8.2. Fulfillment of Dharma (Religious Duty): Procreation was closely linked with dharma (righteous duty). According to ancient belief systems, a son was necessary to perform shraddha (ancestral rites) and funeral rituals to grant peace to departed souls. Surrogacy was often viewed as a means to fulfill these sacred obligations. It was spiritually justified when undertaken for maintaining moral and cosmic order.

8.3. Divine Sanction and Spiritual Legitimacy: Many narratives in the Bhagavata Purana and other Puranas describe conception through divine blessings, yajnas, or supernatural intervention. These accounts provided spiritual legitimacy to alternative forms of procreation.

Since such births were believed to be guided by divine will, they were socially respected and honored.

8.4. Protection of Property and Inheritance Rights: In ancient patriarchal society, inheritance laws were tied to male heirs. Without a son, property rights and royal succession could be disputed. Surrogacy-like practices ensured legal heirs who could inherit family wealth, maintain political stability, and safeguard social order.

8.5. Collective Social Approval: Unlike modern individualistic decisions, ancient reproductive arrangements required approval from elders and community leaders. Social sanction ensured that the practice remained within moral boundaries. This collective acceptance reduced stigma and maintained social harmony.

8.6. Role of Women in Sacred Responsibility: Women participating in such arrangements were often seen as fulfilling a sacred responsibility toward the family. Though shaped by patriarchal norms, their role carried spiritual importance, as motherhood was associated with religious merit and honor.

8.7. Non-Commercial and Duty-Oriented Nature: Ancient surrogacy was not commercial in nature. It was rooted in obligation, ritual duty, and family welfare rather than financial gain. This moral foundation distinguished it from later commercial interpretations.

Overall, surrogacy in ancient India carried deep social and spiritual significance, reflecting the interconnectedness of family, religion, and societal stability.

1. SUGGESTION & CONCLUSION:

9.1. Suggestion: Surrogacy laws in India should continue to focus on balancing ethical protection with reproductive rights. While the Surrogacy (Regulation) Act, 2021 aims to prevent exploitation and commercialization, there is a need to make the framework more inclusive and practical. First, eligibility criteria could be reconsidered to include single individuals, widows, divorcees, and members of the LGBTQ+ community, ensuring equality and non-discrimination in access to parenthood.

Second, psychological counseling and legal awareness programs should be mandatory for both intending parents and surrogate mothers to ensure informed consent and emotional preparedness. Third, proper monitoring of clinics and strict implementation of medical standards must be ensured to prevent illegal practices.

Additionally, surrogate mothers should receive long-term health insurance coverage and post-pregnancy medical care to safeguard their well-being. Transparency in documentation and a centralized database could further reduce misuse. Public awareness campaigns are also essential to remove social stigma and misinformation related to surrogacy. By strengthening regulatory mechanisms while respecting individual rights, India can develop a more humane, transparent, and socially just surrogacy system.

9.2. CONCLUSION: Surrogacy, often perceived as a modern reproductive technology, has its roots in ancient India. The Mahabharata and Puranas reveal that surrogacy was not only accepted but also revered in ancient Indian society, with surrogate mothers holding positions of respect and honor. These ancient narratives challenge the notion that surrogacy is a modern phenomenon, offering valuable insights into the evolution of reproductive practices. While modern surrogacy involves advanced medical technologies and complex legal frameworks, ancient surrogacy was guided by spiritual and supernatural elements, reflecting the cultural and social norms of the time. Despite the differences, both ancient and modern surrogacy share the common goal of helping individuals or couples achieve parenthood. By examining ancient texts and comparing them with modern practices, we gain a nuanced understanding of surrogacy's complex and multifaceted nature. This analysis encourages a thoughtful approach to surrogacy, respecting its cultural and historical context while addressing the challenges and opportunities of modern reproductive technologies

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