Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2026 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

Biological Verity vs Statutory Dogmatism: Why Section 116 of the BSA is Outdated in the Age of Cryopreservation and Digital Intent?

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Received 06 May 2026; *Accepted* 06 June 2026; *Published* 10 June 2026

The transition from the Indian Evidence Act, 1872, to the Bharatiya Sakshya Adhiniyam was supposed to modernise the Evidence Law in the country. Having said that, by retaining the generations-old 280-day timeframe in Section 116 of the BSA, the law still works on the basis of assumptions made in 1872. Today, the Assisted Reproductive Technology (Regulation) Act 2021, legally recognises cryopreservation and posthumous reproduction, yet BSA continues to presume that a child born after nine months rigid period cannot legally belong to the deceased father. This creates contradictions and confusion in the minds of those who go through the aforementioned situation. The law was rightful in its era when there were no such medical advancements like cryopreservation and posthumous reproduction. However, continued practice of the law in the 21st century, fully equipped with Assisted Reproductive Technologies, shows that the law has failed to keep pace with time. The Indian Courts and several international jurisdictions like Australia, the USA, etc. have already moved beyond the fixed timelines by prioritising intent, consent and biological reality rather than some outdated presumptions. The Indian law also needs to revisit and revise the 280-day timeframe and recognise digital reproductive intent as an accepted norm. Section 63 of BSA, which recognises digital intent, can play an important role in acknowledging such records. Until legislative reforms take place, the judiciary must play the lead role to adopt a modern interpretation that respects the dignity, human rights, and identity of the children born through ART measures. Ultimately, the law should not choose to allow an outdated assumption to take over scientific truth. It should be updated to acknowledge the reality.

Keywords: *posthumous reproduction, cryopreservation, digital intent.*

INTRODUCTION

Reproductive and legitimacy rights are among the most sacred pillars of one's identity. However, a closer look into the Indian legal landscape reveals a system struggling with layers of lacunae. These gaps exist because our laws have failed to evolve at the same speed as medical advancement. We are essentially trying to govern the 21st-century mode of living with the 19th-century metronome. The primary reason behind this is Section 116 of the Bharatiya Sakshya Adhiniyam[1] or the BSA (formerly Section 112 of the Indian Evidence Act).[2] The law was designed when the fatherhood required a quick and simple calculation of time. If a child is born within 280 days of a husband's death, the law considers him to be the father. This logic worked at that time because the human body was the only place where life could begin. However, the technological and medical advancement of the 21st century fundamentally shatters this presumption. With the emerging use of cryopreservation, a child can be biologically related to a father who has passed years prior, but under the current law, that child is still labelled illegitimate just because they missed an arbitrary 280-day deadline. This is what the author calls 'Biological Anachronism', a legal relic that may cause undue hardships to the children. This paper argues that justice now requires shifting from presumed timelines to acknowledging consent and intent, ensuring that a child's right to identity and inheritance is governed by genetic truth rather than an orthodox calendar.

While the central government intended to replace the colonial-era laws with modern, indigenous legal code, certain critical areas that required a rethink were unfortunately left unseen. The transition from Section 112 of the Indian Evidence Act to Section 116 of the Bharatiya Sakshya Adhiniyam is the prime example of this oversight. The 280-day time period was left the same as it was in 1872. Despite the transition to a new statute, the law continues to follow a fixed, rigid timeline. While this approach once provided clarity, it now appears somewhat out of step with contemporary realities. By carrying forward this 19th-century timeline, the law does not fully account for the fact that, in 2026, a child may be born years after a father's death through medical intervention. One such example is the case of

[1] Bharatiya Sakshya Adhiniyam 2023, s 116
[2] Indian Evidence Act 1872, s 112

Diane Blood[3] in the United Kingdom. The first child was born three years after her husband's death, and the second child was born around 7 years later. We now have a strange situation, where the BSA is modern enough to recognise digital files, but too old to recognise biological reality. This has resulted in the creation of a gap in the transition process, where the law continues to be stuck in past assumptions while society and science have moved on.

To understand why the law is falling, we first have to look at how science has changed what it means to conceive a child. For most of human history, conception was a one-time event, but today, we have technologies like cryopreservation. In simple terms, this is a technology that allows us to freeze gametes. Using liquid nitrogen at a very low temperature, doctors can preserve a person's sperm, eggs, or even embryos. At liquid nitrogen temperatures (~-196 Degree Celsius), biological activity basically stops, so they don't age or degrade. This leads to what we call Posthumous Births,[4] where a child is born after the death of one or more parents. In 2026, a man can preserve his genetic material before a surgery or military deployment, pass away, and then have a child one, two or even ten years after his death through In Vitro Fertilisation (IVF). This is where the current biological reality hit the legislative impediment. Even though the child is biologically his, Section 116 of BSA does not recognise him.

Another issue is the missing framework for Digital Intent. When we talk about consent in India, they usually expect a formally signed document that is recorded in quantifiable settings. Although this makes sense from a regulatory perspective, which requires clarity and safeguards, real life does not always unfold professionally in front of contracts and paperwork. Today, most people express their personal decisions through informal modes of communication like WhatsApp messages, emails, etc. A couple might discuss having a child over the years of conversation without a single signed document. Legally, these messages are not completely invisible. Under BSA,2023, electronic communications qualify as documentary evidence under Section 2(1)(d),[5] and their admissibility is governed by Section 63,[6] which deals with the proof of electronic records. This means that messages, emails or

[3] Clare Dyer, 'Diane Blood law victory gives her sons their 'legal' father' *The Guardian* (19 September 2003) <https://www.theguardian.com/science/2003/sep/19/genetics.uknews - :~:text=Diane Blood, the widow who,of his two posthumous sons.> accessed 19 March 2026
[4] John A Robertson, 'Posthumous Reproduction' (1994) 69(4) Indiana Law Journal <https://www.repository.law.indiana.edu/ilj/vol69/iss4/8/> accessed 20 March 2026
[5] Bharatiya Sakshya Adhiniyam 2023, s 2(1)(d)
[6] Bharatiya Sakshya Adhiniyam 2023, s 63

any other digital exchanges may be produced in the court, subject to the prescribed conditions of authenticity. They, however, do not replace the requirement of formal, written consent under Section 22 of the Assisted Reproductive Technology (Regulation) Act, 2021. Which practically means that even the clearest expression of intent in digital form may not be sufficient on its own to meet the statutory threshold.

PROBLEM STATEMENT

The core issue here is simple: Paternity is blocked by an outdated calendar. The law is still busy counting days rather than recognising biological truth. Under the BSA,2023, the rigid 280-day timeline continues to qualify legitimacy. In today's world, this creates a real gap; a child can be biologically related to his father but still be qualified as illegitimate, just because he was born too late according to the statute. Even clear digital expressions showing the parents' wish to have a child do not carry full weight without formal consent under the Assisted Reproductive Technology (Regulation) 2021 Act.

THESIS STATEMENT

The core argument of this paper is that the genetic truth must override centuries-old legal presumptions. Section 112 of the Indian Evidence Act, 1872, was formed at a time when there were no such DNA testing or cryopreservation technology. Just as any other law, the aforementioned (currently, Section 116 of BSA,2023) also requires correction. We now have the genetic facts and digital footprints to prove and submit evidence of what the parents intended. This paper argues that it is the need of the hour to deliberate a legislative amendment to the BSA, or a consistent, robust intervention by the Judiciary to bridge the growing cavity between the 19th-century statutes and the 21st-century science.

THE STATUTORY BARRIER: SECTION 116 BSA 2023

By keeping the 280-day rule intact, India has actually retained a colonial logic that values presumed order rather than actual truth. The law was framed in 1872 based on the nineteenth-century medical understanding that human gestation generally lasts for around 280 days. Section 112 of the Indian Evidence Act was borrowed from the English common-

law maxim '*pater est quem nuptiae deomnstrant*'[7] which means '*the father is he whom the marriage indicates*.' The primary intention behind creating this law was to create a fixed legal presumption of paternity within marriage and avoid frequent disputes regarding succession and inheritance. The law served its purpose at that time as it protected the social status and legitimacy of children born shortly after the dissolution of marriage. While the law reflected the Victorian-era belief that family stability was more important than biological certainty,[8] it did not contemplate modern developments such as assisted reproduction, cryopreservation, or posthumous birth, as it was enacted at a time when tools like DNA testing were not available. The law faced a transition from Section 112 of the Indian Evidence Act 1872, to Section 116 of the Bhartatiya Sakshya Adhiniyam, 2023, as a part of the Government's broader objective of replacing colonial laws with new legislation. The problem arises here as the core substance of the actual law was effectively retained in the new statute. The BSA, 2023 received Presidential assent on 25 December 2023, and the Act came into force on 1st July, 2024.

The Legislative Oversight: There has been a profound legislative oversight in this process of transition, as the fundamental structure of the former law was substantially retained. The provision continues to rely on a traditional gestational time limit rooted in nineteenth-century assumptions. Sec 112 of the BSA, 2023 does not expressly address posthumous conception through Assisted Reproductive Technology. There is not a single specific proviso that could clarify the legitimacy status of a child conceived through medically assisted posthumous reproduction. The coexistence of the Assisted Reproductive Technology (Regulation) Act, 2021 and the unchanged evidentiary presumption can create a lack of legislative coherence, numerous litigations, and interpretive uncertainty regarding legitimacy and paternity. The limited statutory adaptation to modern science is reflected by the retention of the earlier framework without essential modifications.

Understanding the Art Framework: The Assisted Reproductive Technology (Regulation) Act, 2021, was enacted to regulate assisted reproductive technology clinics and banks in India.[9] There was a need to create the Act as India emerged as a major centre for surrogacy,

[7] 'Section 112' (*Advocate Khoj*, 13 March 2003) <https://www.advocatekhoj.com/library/lawreports/evidenceact1872/131.php> accessed 04 May 2026
[8] 'Evidence Act 1872 Section 112' (*World Law Digest*) <Evidence Act Section 112 – Legitimacy of Child Presumption> accessed 04 May 2026
[9] Assisted Reproductive Technology (Regulation) Act 2021

fertility treatment and assisted reproductive procedures due to lower costs and expanding medical infrastructure. The Ministry of Health and Family Welfare stated in Parliament on 3rd March, 2015, that the Indian Council of Medical Research was aware of about 20,000 ART clinics operating in India before the comprehensive legislation.[10] The government reports highlighted the absence of uniform standards despite the rapid expansion of the concerned sector. Before 2021, ART clinics largely operated without a comprehensive statutory framework. Concerns were raised regarding the unethical practices, absence of uniform standards, exploitation of women, and absence of accountability and transparency in fertility clinics and ART banks.[11] Questions related to informed consent, parentage, gamete storage and the rights of children born through ART necessitated a formal legislative regulation. The Indian Council of Medical Research (ICMR) had earlier issued National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in 2005;[12] these guidelines weren't legally binding. The legislation was introduced to establish registration requirements, ethical and moral standards, consent mechanisms and regulatory supervision for ART clinics and banks in the country. The act aimed to protect commissioning couples, surrogate mothers, children born through assisted reproductive procedures and donors. The formation of the ART Act reflected India's broader attempt to regulate emerging reproductive technologies.

The consent requirement of the Act is very strict. Section 22 of the act says that no procedures can be done without the written, informed consent of the parties concerned.[13] Without a physical signature, medical professionals aren't allowed to move an embryo or use frozen sperm. The Act legally recognises that gametes can be stored for a period of time for future use; thus, we can say that the Government of India has officially, though indirectly, accepted that a person's biological material can exist outside their body.

CONSENT BEYOND THE ART ACT: WHEN COURTS BECOME THE BRIDGE

Judicial Response to the Statutory Vacuum: Looking into the Bharatiya Sakshya Adhiniyam, 2023 and the Assisted Reproductive Technology (Regulation) Act, 2021, from the same lens reveals a significant legal gap concerning posthumous and assisted

[10] 'Surrogacy Centres in the Country' (*Press Information Bureau*, 03 March 2015) <https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=116299&reg=48&lang=2> accessed 04 May 2026
[11] Assisted Reproductive Technology (Regulation) Bill 2021
[12] *National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India* (Ministry of Health and Family Welfare, 2005)
[13] Assisted Reproductive Technology (Regulation) Act 2021, s 22

reproduction. While the BSA continues to rely upon presumptions linked to timeline and legitimacy, the ART Act primarily focuses on procedural compliance and documentation. The reality is that neither framework rightly addresses the broader issue of intention and consent in technologically aided parenthood. This has led to increased judicial intervention by the courts to interpret consent in a more judicious and purposive manner.

For example, in Ms X v Union of India (2026), the Delhi High Court addressed the issue of whether reproductive material could be accessed in the absence of fresh written consent. The case concerned a woman seeking access to her husband's reproductive material after he entered a vegetative state. The hospital refused because no fresh consent had been provided, as required under the ART regulations. The court adopted a broader interpretation of consent by examining the surrounding circumstances and prior conduct of the couple. The court gave significance to evidence indicating a shared intention to have children. It is considered the Husband's consent to join the IVF treatment as sufficient compliance with the procedures required under Section 22 of the ART Act.[14]

When Procedure Overrides Intent: The ART framework traditionally follows a model of strict procedural compliance, requiring explicit and written consent by the parties involved. Such procedural rigidity was originally designed to prevent misuse of gametes and ensure informed participation of both parties. However, difficulties arise when a spouse dies or is medically unable to provide renewed written consent despite prior participation in IVF procedures, as seen in Ms X v Union of India & Ors. Courts have begun recognising the principle of intention, under which earlier documented participation and conduct may sufficiently establish reproductive intent. This reflects a modern approach adopted by the courts. Under this, once both parties voluntarily commence assisted reproductive treatment, subsequent incapacity or inability to provide fresh consent may not automatically invalidate the process.

JUDICIAL ACTIVISM AND THE NEED FOR LEGISLATIVE REFORM

Indian Courts are now increasingly required to address issues left unresolved by existing statutory frameworks governing the ART framework. Such judicial intervention shows the inability of current laws to fully accommodate advancements in reproductive technology.

[14] *Ms X v Union of India & Ors* (2026) DHC 3086

However, reliance on case-by-case adjudication creates uncertainty and undue hardships for the parties awaiting justice. There is a pressing need for legislative reforms that:

- Harmonises BSA with the ART framework.
- Explicitly defines posthumous and continuing consent.
- Recognises digital communications and recorded intent.
- Allows digital records to be used as primary evidence, substituting the strict written consent requirement.
- Establishes safeguards against the misuse while protecting reproductive autonomy.

Proving Digital Intent Under Section 63 of BSA: If the judiciary has moved away from substantial, rigid compliance towards intent, the next logical question that follows is: How do we prove that intent in 2026? This is where the second theme of the paper emerges. Most of our desires are no longer recorded in physical formats, but in our digital footprints. Fortunately, the Bharataiya Sakshya Adhiniyam provides a pragmatic solution here. While Section 116 BSA is still stuck in the past, Section 63 is actually futuristic. It expands the definition of evidence to include almost all forms of electronic records,[15] this creates an opportunistic window to bring the change. If a husband and wife have discussed their IVF plans on WhatsApp or sent emails to a clinic expressing their desire for a child, they will now be considered as admissible documents. By combining the judiciary's focus on consent with the BSA's focus on digital records, we can bypass the strict formal compliance as required under the ART Act.

THE CONSTITUTIONAL STAKE OF CHILDREN YET TO BE BORN

A Hypothetical Case Study of Baby A: To understand the constitutional stakes, consider the hypothetical case of Baby A, born in January 2026. Her father, a young software engineer, lost his life in a tragic car accident in 2024, leaving behind his frozen embryo and a clear reproductive desire to have a child. His widow, using the procedures under the ART Act, successfully gave birth to Baby A sixteen months after his death. Biologically, she is 100% the daughter of the deceased, but legally fatherless under Section 116 of BSA just because she

[15] Bharatiya Sakshya Adhiniyam 2023, s 63

was born roughly 480 days after her father's death. This isn't just a legislative loophole; it's a constitutional setback that deprives children like Baby A of their legal and human rights.

Article 21: The Right to Identity and Dignity: Article 21 of the Indian Constitution gives every individual the right to live a life of dignity,[16] which implicitly includes the right to know one's own lineage and identity. In Pragati Shrivastava v CBSE,[17] the Delhi High Court opined that the person's name constitutes an important part of their identity and emphasised that the legal documentation must reflect an individual's genuine familial identity. The reasoning in this case becomes particularly relevant in the context of children born through ART regulations after the death of a parent because the court adopted a pragmatic approach in recognising a child's right to accurate parental identification in educational and public records.

Article 14: How BSA Section 116 Manifests Arbitrariness: As discussed in the paper, the 280-day timeline under Section 116 of BSA is a strong example of arbitrariness. Equality under Article 14 of the Indian Constitution should be based on rational distinctions and not on stray numbers. The difference of just one day (279 vs 281) decides the legitimacy of a child born. The modern medical advancement makes this logic outdated and irrational.

Hindu Succession Act: Catalyst of the Central Issue: Section 20 of the Hindu Succession Act, 1956, is another elephant in the room which requires correction. It says that a child who was already conceived at the time of a person's death is to be treated as if they were already born for inheritance purposes, provided that the child is later born.[18] So, it means that if a father dies while the child is in the womb, the child is in a lawful position to inherit; if the child is conceived after the father's death, the act does not explicitly recognise inheritance rights. Since the law was drafted in the 1950s, before technologies like IVF, cryopreservation, etc., were widely known and used, it does not expressly address children conceived after death through ART. Hence, the law is essentially outdated.

Right to Motherhood Denied: The issue is not confined to the rights of the child alone; it also involves the mother's reproductive autonomy, which was also discussed in the recent

[16] Constitution of India 1950, art 21
[17] *Pragati Shrivastava v The Secretary, Central Board of Secondary Education and Anr* (2024) DHC 2965
[18] Hindu Succession Act 1956, s 20

Hamsaanandini Nanduri v Union of India & Ors by the Supreme Court of India[19]. In Chanda Keswani v State of Rajasthan[20] the Rajasthan High Court, in 2023, held that the right of motherhood is a part of the right to Life under Article 21 of the Indian Constitution. When a woman chooses to conceive using her deceased husband's preserved genetic material, she is exercising a personal reproductive choice; such decisions often reflect the mutual intention of the couple before the husband's death. When a law denies recognition of a child's legal paternity, it indirectly penalises the mother for exercising that reproductive choice.

AUTHOR'S OPINION ABOUT THE REQUIRED CHANGES

Genetic Certificate of Descent: As argued in the paper, a child born through ART should not lose legal recognition solely because of the passage of time. There is a need for a separate legal mechanism for children born through ART. A 'Genetic Certificate of Descent' can serve as that mechanism. The certificate can create a legally verifiable connection between the child and the father. A proper chain of custody can ensure authenticity and prevent malpractices. This certificate can be recognised as a form of conclusive proof under the BSA. It would shift the focus from a narrow, timeline-based legitimacy to a more logical, biology-based legitimacy.

Amendment to Section 116 of BSA: We don't need to scrap the section entirely, but we do need to add a modern proviso. By adding an exception for the children born through the ART mechanism from the 280-day timeline, the law can be modernised and fix a loophole that currently keeps many lives left out in the cold. It would allow the old rule to exist for natural births while creating a separate and scientific pathway for the rest of the children.

The Hybrid Consent Model: In Praveen v Union of India & Ors,[21] the Delhi High Court held the woman's consent as proxy. The court explicitly directed the wife's consent to be treated as valid consent for her husband for any step in the IVF process. Following this logic, we should introduce a 'Hybrid Consent Model' that would involve a combination of DNA tests and Digital Intent in the cases where a formal, fresh written consent isn't available. A couple's

[19] *Hamsaanandini Nanduri v Union of India & Ors* (2026) INSC 246
[20] *Smt. Chanda Keswani v State of Rajasthan, Through the Principal Secretary, Higher Education, Government of Rajasthan and Another* 2023:RJ-JP:33972
[21] *Ms X v Union of India & Ors* (2026) DHC 3086

online texts, emails and past IVF treatments should be considered sufficient for constituting intent under the ART Act.

Formation of a National Posthumous Reproduction Policy: Although the ART Act regulates assisted reproductive technology clinics and banks, India still lacks a comprehensive legal framework that governs posthumous reproduction specifically. As a result, families are often compelled to pursue litigation to attain clarification regarding the posthumous use of genetic material.

COMPARATIVE ANALYSIS: INTERNATIONAL APPROACHES TO POSTHUMOUS REPRODUCTION

Brief comparisons with foreign jurisdictions can offer various notable precedents that, if indexed properly within the Indian context, would allow the legislature to extract the best of global jurisprudence to solve the current nodus in our parentage laws.

USA: The 45-Month Rule Amidst Technological Realism: While India still follows a 9-month (280-day) window, the USA's Uniform Parentage Act 2017[22] follows a more practical approach towards posthumous reproduction. Section 708 of the UPA provides a 45-month window for the birth of a posthumously conceived child for recognising legal parentage. This approach reflects a practical recognition of contemporary reality, which includes medical procedures, IVF scheduling, and long-term cryopreservation of gametes. However, it should be noted that UPA is a model law that does not automatically become binding across the entire USA[23]. Model laws become binding only when the respective states formally adopt them either fully or partially with modifications.

From the USA's example, India should learn to adopt a more flexible model that would balance legal certainty with social stability. By following a broader statutory timeline, India can ensure that the law takes into account both technological and human realities.

Australian Case Analysis: Thinking Beyond the Thumb Rule: In Re Edwards [2011] NSWSC 478,[24] the Supreme Court of New South Wales, Australia, dealt with a tragic

[22] Uniform Parentage Act 2017, s 708
[23] 'Statutory Research: Uniform/Model Laws' (*Boston College Law Library*) <https://lawguides.bc.edu/c.php?g=350978&p=2367248&hl=en-IN> accessed 04 May 2026
[24] *Re The Estate of The Late Mark Edwards* [2011] NSWSC 478

situation where a husband died before a planned IVF procedure. Although there was no explicit written notice, as required under Section 17 of the Assisted Reproductive Technology Act 2007[25] (Australia), authorising posthumous use of his sperm, the court adopted a just and humane approach. From this, we can argue that consent should be evaluated on a case-by-case basis. This provides a direct rebuttal to the Indian ART Act's fixed norms.

COUNTER ARGUMENTS AND REBUTTAL

Readers of this paper may raise multiple counterarguments and pinpoint loopholes in the suggested changes. These are taken into account by the author. However, a careful analysis shows that most of these criticisms are based on weak pillars and can be addressed thoroughly. Some of the counter arguments and their rebuttals are as follows;

Problem with Suits of Declaration: Critics might argue that a child can simply file a suit through his guardian under Section 34 of the Specific Relief Act[26] to prove paternity, hence amendments to the current law and uniform legislative reforms are not the need of the hour. This argument is legally sound but humanly hectic. A child should not have to resort to litigation just to prove who his father is. Child born within the time limit are presumed legitimate, while those born outside the same have to go to court just to prove their legitimate claims. This creates an uneven playing field between the two. Frequent court visits can be financially expensive and emotionally exhausting. Furthermore, the relatives of the concerned child may oppose such claims to protect their inheritance shares. Legitimacy is a basic right that should not be dependent on years of litigation.

The Critic of Perceived Contradiction: Critics may argue that this paper takes contradictory positions. On one hand, it criticises Section 116 of BSA for its failure to reflect the contemporary timeframe and medical advancements and on the other hand, it acknowledges that parliament has enacted the ART Act, 2021, to regulate posthumous reproduction. Critics may question the need for another legislative amendment in the presence of pre-existing regulatory law. However, the problem statement of this paper is legislative inconsistency and not legislative inaction. One statue enables posthumous reproduction while the other

[25] Assisted Reproductive Technology Act 2007, s17
[26] Specific Relief Act 1963, s 34

creates inconsistency about legitimacy and inheritance. A consistent and unified legal framework can help tackle the statutory fragmentation and avoid confusion.

Special Law Overrides General Law: Another legally sound counterargument can be that if parents give written consent under the Assisted Reproductive Technology (Regulation) Act, 2021, the child can still be legally recognised. This argument is plausible because of a legal maxim, '*Lex specialis derogat legi generali*,[27]' which means that Special law prevails over the general law. That being said, the ART Act recognises legitimacy narrowly within the context of ART regulations. It does not comprehensively answer inheritance and succession. Families can still face ambiguity until the Parliament or the Supreme Court clearly harmonises the loopholes. Written consent by itself cannot solve disputes regarding inheritance, objections from relatives, and property claims, among other things.

CONCLUSION

The transition from the Indian Evidence Act to the Bharatiya Sakshya Adhiniyam was intended to modernise Indian evidence law. But by keeping the 280-day rule intact, India missed an important opportunity to make the current law reflect today's reality. Today, India legally permits the use of Assisted reproductive technologies. Clinics preserve sperm, eggs, and embryos for multiple years. In economic terms, the Indian cell cryopreservation market roughly generated a revenue of USD 101.9 million in 2024. It is also expected to reach USD 362.6 million by 2033.[28] This shows that cryopreservation in India is socially accepted and widely used. Yet, when a child is born through these procedures, confusion about legitimacy and inheritance is inherently attached to it. The basic purpose of every law is to maintain stability, dignity and fairness. The reforms suggested in the paper shall not be considered radical in nature; the author intends to simply ask the law to recognise modern science comprehensively. The Indian courts have already started to recognise what is argued in the paper. However, families should be compelled to go to courts due to legislative inconsistencies. Assumptions made more than 150 years ago are no longer valid; the law must move forward as society progresses.

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[27] 'Lex specialis' (*How Does Law Protect in War?*) <https://casebook.icrc.org/a_to_z/glossary/lex-specialis> accessed 04 May 2026

[28] 'India Cell Cryopreservation Market Size & Outlook, 2025-2033' (*Grand View Horizon*) <https://www.grandviewresearch.com/horizon/outlook/cell-cryopreservation-market/india> accessed 04 May 2026