Manuscript evaluation guidelines:  
**Title:** Regulation of Posthumous Assisted Reproduction in India: Legal and Ethical Challenges   
**Importance of the paper**: Quite relevant   
Does it address issues relevant to the fields of medical ethics and bioethics in the developing countries? Yes  
Is it topical? Yes  
Is the issue discussed mainly from another country's/culture perspective? No  
Will it influence practice or policy? Yes  
Is it too specialized for the journal? No  
  
**Originality**Is the information /comment new? Not really. G Bahadur has written extensively on the legal ethical issues on posthumous PSR and ART. In fact, the section on international law / PAR in other countries seems to be taken from “Death and Conception” - G Bahadur’s paper – Attached, that discusses the law in some countries in detail.

Also, the reference of this article – of G. Bahadur has been cited wrongly… as death and reproduction.. and providing some diff. page numbering.

The section on rational decision making is also covered in much detail by G Bahadur in another paper titled “Ethical challenges in reproductive medicine: posthumous reproduction” – also attached.

**Conclusions**  
Is the interpretation warranted, unwarranted, well developed? It is okay.. there is much scope for developing it better.

Does the article contain loose generalisations? Yes.. at some places

**Are there any important omissions?** YES

The issue of consent is not as simplistic as has been stated. How does one know that the man wanted to have a child in the first place? The man may not have identified the partner with whom he wanted to have a child. How would one determine if the relationship between the man and woman were good or strained? Where there is no consent, the author could explore the possibility of a court intervention for the same.

The need to take consent prior to retrieval of sperm that will be stored and used in an ART procedure at some future date is different from consent to donate organs that would be transplanted almost immediately to the recipient of the organ. The latter is to save life, the former is to give life, if the procedure is successful, to increase the progeny of the deceased. The author does not discuss this aspect, and the importance of consent in the two situations that are quite different, nor does the author discuss the success and failure rate of the procedure.

The author does not discuss the issue of consent as is the position in India, but relies on articles citing the issue of consent in other countries. In fact, the author begins with an Indian story, so could have explored the issues in light of that, bringing out the problems or why PSR or PAR was rejected, and how no prior consent from the deceased husband played in role in the rejection.

About status of children – the author should explore the position in India, the methods in which the child can get recognition, given that the name of the mother is required on the birth certificate and the name of the biological father may also be provided. Also, in posthumous ART, the author could explore the possibility of the court declaring the child as the child of the couple, given the facts of the case.

Further, what is difficult to understand is that if a widow or a single woman is allowed to adopt a child, then what is the problem with bearing a child posthumous thru’ AI or ART? There are many single women who bear children thru’ ART too. Though with the new regulations that are in the draft stage, one does not know if that will be allowed or not. The author could look at the draft regulations on ART, Surrogacy, the recent recommendations by the Parliamentary Standing Committee on the proposed Surrogacy Bill, 2016 and discuss the same in the light of posthumous ART.

The author has mixed up the issues of succession with recognition of the child and legitimacy of the child born posthumous. Children born to single parents through ART procedure are not illegitimate children. Why can’t the recognition and legitimacy of the child be done thru’ the court, as is done in any ART procedure, by specifying the facts in the case of posthumous ART?

The author ought to have looked at succession in terms of the diff. Indian laws.

The social phenomena and stigma that women in India face on being widowed, burdened with another child, economic aspects of bringing up a child after the death of perhaps the bread-winner in the family, and the pressure from the family on a woman in India to bear a child to continue the progeny are areas that have not been explored in the article. – this would be a social issue – and it is up to the author if the same needs to be explored or not.

The author could have discussed whether the procedure for posthumous ART would require a separate regulation, or would the current regulation be able to recognise and adopt the posthumous ART too? Any regulation would have to take into account the social, economic and health conditions of the key stakeholders, in this case the partner/ widow of the deceased man.

**Other comments**  
There is much repetition of the same points again and again, and the article can be reduced substantially.

Value judgment being made about raising a child by a single parent… are there not single parents in the world, who are single by choice or circumstances and bring up their child, whether biological or adoptive on their own?

Lose generalisations, not based on any study, are being made about children feeling incomplete as they would not have a relationship with their father! The situation of children is explained based on other countries, not India.

**Recommendation**  
  
Accept as is - NO  
  
Accept with modifications (specify) – If author willing to modify - yes  
  
- style – Footnotes are not IJME style of End notes.  
  
- substance – See comments above.  
  
Separate comments for the author

Kindly explain “the procedures to collect the sperm posthumously, to preserve them and to effectively use them with maximum benefits to the individual as well as to the society” – how is it benefiting individual and society?

How can a bad death be made good by PAR? The death of a dear one cannot be replaced by a child of the deceased. Kindly explain sentence.

What is the time within which the PSR should be done? Is it a few hours or within 24 hours of death?