

AKATSUKI v. UNION OF WANO

1. Eric and Maeve are NRWs (Non-Resident Wanos) residing at Namek¹ where they are the proud owners of a wool mill. They have been married for 8 years, and have failed to conceive even upon multiple consultations and attempts throughout the years. The medical professionals consulted by them arrived at the common conclusion that it was due to Maeve's infertility. Disappointed with the same and frustrated by their unending struggle, the couple decided to take a vacation and visit the Union of Wano², their home country.
2. During their visit, they were introduced to Ria, an undergraduate student in the University of Alchemy, Genovia³, who was living with Eric's parents. Since Eric moved to Namek many years ago with an intention to pursue his education there, he never returned to Wano and his parents decided to foster Ria, the daughter of the family caretaker.
3. Five years ago, when Ria was still 17 years old, her parents met with a terrible accident and passed away. Since then, Eric's parents have been looking after Ria like their own daughter. Concerned about Eric and Maeve's struggle, Ria realises that she can help them, since she accidentally conceived a couple of years ago. She suggested that she could become the surrogate mother for their child. The couple was ecstatic and agreed without a second thought. Later on, Maeve's family insisted that they draft a formal contract of surrogacy and they did the same.
4. Upon multiple attempts at IVF with Eric and Maeve's gametes, Ria failed to conceive. Furtheron, Ria's friend recommended using Ria's gametes since Maeve's have low fertility. Since this procedure took a significant amount of time, the couple requested Ria to continue with the treatments and headed back to Namek to wind up their business and move back to Wano to raise their child in Wano. Ria attempted another IVF with Eric's sperm and her gametes, but it failed. She, however, was determined to aid the couple successfully and spoke to the doctors about using Intracytoplasmic Sperm Injection instead of IVF, believing the former to be more precise with a greater chance of success. The procedure worked and Ria was pregnant. The news was conveyed to the couple and they were elated.

¹ Namek is a county in the northern region of Winterfell.

² Wano is a peninsular country in the southern region of Westeros.

³ Genovia is the financial capital city of Wano.

5. Ria moved back to Genovia to finish her final semester of her UG-course and Eric supported her in the decision but specifically requested her to stay in his penthouse in Genovia instead of dormitories for comfort, health, and safety of the child. However, the semester got extremely stressful and to avoid straining herself or the baby, she decided not to make her schedule hectic. Hence, she only attended mandatory classes and tests which were required for her to graduate college. She felt it would be extremely inconvenient to travel in Genovian traffic for regular medical check-ups and decided to visit the doctor only in case of any complications during the pregnancy. Fortunately, there were no complications but, in her final trimester, she went in for a check-up only to find out that she had conceived twins. Ria decided to keep this to herself in order to surprise the couple as she was due to deliver in a couple of weeks.
6. The couple sold their wool farm and came to Wano in time for the delivery and were supportive of Ria throughout the pregnancy. Ria moved back to Eric's parent's house during the last couple of weeks of pregnancy. On the date of delivery, the first child was delivered without any complications, but for the second baby, the labour does not progress and embryonic fluid is drained. The second baby, due to hypoxia, suffers from permanent brain damage.
7. The couple were immensely shocked when they found out that they were about to become parents to twins while they were only prepared for one baby and were heartbroken about the fact that one of the twins had brain damage. Infuriated, and filled with a sense of betrayal, they left the premises of the hospital.
8. Ria was confused as to why the couple refused to meet her after the birth of the twins and repeatedly tried to contact them, but they did not respond. Subsequently, Ria received a legal notice served to her for handing over the custody of "the healthy baby" in accordance with terms of the surrogacy contract between the couple and Ria.
9. Extremely upset with the language and the content of the legal notice, Ria reconsidered having the couple as the parents of her newborn twins, and did not reply to the legal notice. She got herself discharged from the hospital and moved to Genovia with her newborn babies seeking the aid of her friends to take care of the babies. The students of Alchemy University welcomed her with open arms, raised money and assisted her in all possible ways to take care of her and her babies.
10. Eric and Maeve subsequently filed a case in the Metropolitan Magistrate of Genovia, seeking the custody of "the healthy child". Ria, along with the student fraternity, outraged by the claim and the language used in the plaint, filed a suit for maintenance

of the children. The same quickly became national news, causing massive public outrage with varied opinions on the matter.

11. However, the Metropolitan Magistrate upon hearing the cases, found that there exists no valid contract of surrogacy as per the requirements prescribed under The Surrogacy (Regulation) Act, 2021. Hence, there was no question of rights arising out of the contract and dismissed both the suits filed by the parties. Disappointed with the verdict, Eric and Maeve gave up on their dream of having a child and moved back to Namek. Ria is now in an extremely difficult situation where she is the mother of two children, left with no remedy under any law in force to seek maintenance for her children.
12. This is one of many such incidents where parties who act with bona fide intentions are left with no adequate remedies or protection under the existing laws. Excessive media coverage on this matter led to debates sparking across the Union of Wano where the people started questioning the statutes governing surrogacy and if the legislature has dropped the ball in enacting an effective statute.
13. A group of young lawyers called the Akatsuki, after extensive debates on the matter, came to the collective opinion that there is a need to reform the legislation governing surrogacy in the Union of Wano. This organisation is known for its progressive approach towards issues faced by the society and have previously fought for the rights of various marginalised and vulnerable groups.
14. They have filed a PIL challenging the validity of certain provisions of the Act before the Hon'ble Supreme Court of Wano. The case is posted for hearing on the following issues:
 - I. Whether the PIL is maintainable?
 - II. Whether Sec. 4(iii)(b) of the Act is violative of fundamental rights of people intending to be surrogate mothers?
 - III. Whether Sec. 4(iii)(c) of the Act is violative of the fundamental rights of intending couples?
 - IV. Whether the surrogate mother should be allowed to provide her own gametes?

The laws of Union of Wano are pari materia with that of Union of India.