



# THE BRIEFCASE



## Here's what is coming your way!

Dear Readers,

Marching with empowerment!

As we wrap up with the month of March, we proudly dedicate this issue to the incredible fortitude and achievements of women both in law and beyond. This edition highlights legal developments, initiatives and conversations that champion women's empowerment.

Inspired by the *International Women's Day (Celebrated on March 8th)*, we're rushing headlong into the polemic area of women's rights. From key policy schemes and judicial pronouncements to significant amendments in the legislature for women empowerment - this issue is packed with all the relevant updates to help you navigate the ups and downs of the world of women's rights.

Let's be real ladies! We've all been there calling out bias, standing our ground, and sometimes, just trying to be heard in rooms that weren't built for us. This issue is dedicated to those moments- the small wins and the tough battles women go through to fight for their rights. And let's not forget the uncelebrated heroes- the women who refuse to back off and the allies who always support them.

So here's to challenging the norms, rewriting the rules and making sure that "equality" isn't just a fancy word used on social media and textbooks but a reality. Dive into this issue to keep the conversation going -because this fight? Isn't over yet.

Stay curious, stay inspired and keep reading.

*The Editorial Board x*

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# THE BINDER

Your essential collection of the latest legal updates, neatly organised for a quick reference.

## Legislative Stroke to Encourage Entrepreneurism In Women Entrepreneurs

Women entrepreneurs in India face challenges at various stages of their business ventures. Financial constraints, lack of exposure and poor technical know-how causes great distress to the budding women entrepreneurs. To remedy this, the Indian government has devised the Trade related entrepreneurship assistance and development scheme (TREAD) for fostering women entrepreneurship in the country.

TREAD was a pilot project of the ministry of micro small and medium enterprises (MSME) for the noble objective of increasing the inclusivity of women entrepreneurs in the economy. It provides financial assistance and counseling to the women entrepreneurs through NGOs for undertaking self-employment business ventures, pursuing any sort of non-farm activities. Moreover, it also encourages the women entrepreneurs through training and development

The said scheme has provided a comprehensive mechanism for crediting funds into the business ventures by the women through a hand in hand functioning of NGOs and nationalized banks. It provides grant for capacity building of NGOs which included various kinds of expenses like training expenses of the working staff, charges of legal documentation, auditor's fee travelling expenses, part of repayment of loan installments.



TREAD was implemented through nationalized banks in the financial year 2014-15 during the 9th five year plan exclusively targeting women entrepreneurs. It is pertinent to note that other financial institutions may also participate in the said extension of credit facilities to such ventures through this scheme by signing an MoU with the office of DC (MSME).

TREAD has channelized the financial assistance through the NGOs fulfilling the criteria as mentioned in the guidelines issued by the Ministry of MSME. It provides that the NGO should be duly registered legal entity for minimum of three years, having experience in thrift and saving programmes with SHGs. The said NGO should have basic infrastructure, appropriate staff and services to undertake micro-enterprise development for women. Moreover it further stipulates that such NGO shall not be blacklisted by any Ministry or any state government under any scheme and have no utilization certificate overdue.

The Tread guidelines is a comprehensive legislation containing all the appropriate measures for the effective Implementation of the Scheme from the identification of its right beneficiaries to the credit disbursement to them with the help of the commercial wisdom of the banks and state level steering committee.

In Nutshell the TREAD scheme was a significant stride for cultivating the growth of women entrepreneurs in India. It addressed the major bulwarks that come in the way of women entrepreneurs for establishing and sustaining a business venture. Through a structured mechanism for credit allocation, beneficiary identification, training and capacity building for encouraging the participation of women entrepreneurs in the economy. It is pertinent to note that the said scheme could not make much headway in the implementation of this well structured scheme. The major shortcoming for this scheme was its improper implementation that could not be made by the executives on the ground.

~ Mr. Madhusudhan Vyas  
Student, 3rd year

# THE BINDER



Your essential collection of the latest legal updates, neatly organised for a quick reference.

## Beyond the Glass Ceiling: Women's Reservation Bill and Its Road to Reality

Despite the principle of universal adult suffrage, women in India have historically faced significant barriers in political participation. While they have had the legal right to vote and contest elections, societal norms, patriarchal structures, and male-dominated political parties have limited their active representation. Although there has been some progress through constitutional amendments and grassroots-level participation, the representation of women in higher legislative bodies remains dismally low. The 73rd and 74th Constitutional Amendments of 1992-93 marked a turning point by mandating one-third reservation for women in panchayats and municipalities. This policy significantly increased women's political participation at the grassroots level, leading 20 out of 28 Indian states to further raise the reservation to 50%. However, similar attempts to introduce reservations for women in the Lok Sabha and State Legislative Assemblies between 1996 and 2008 were unsuccessful, highlighting deep-rooted resistance within national politics.

### The State of Women's Political Representation

Despite some gains, women's representation in India's Parliament remains far below expectations. In the Lok Sabha, female representation fluctuated between 5% and 10% until 2004. It saw a marginal increase to 12% in 2014 and currently stands at 14% in the 18th Lok Sabha. The situation in State Legislative Assemblies is even worse, with a national average of around 9%. At present, women hold only 78 out of 542 seats in the Lok Sabha and 24 out of 224 seats in the Rajya Sabha—a stark contrast to their nearly 50% share of the population. Even though India has witnessed strong female leaders such as *Indira Gandhi*, *Jayalithaa*, *Mamata Banerjee*, *Mayawati*, and *Sushma Swaraj*, a closer examination reveals systemic barriers. Many of these women either belonged to political dynasties or had to fight relentless societal and political struggles to establish their presence. Even after securing high offices, they faced gendered criticisms that their male counterparts rarely encountered. This highlights a deep-seated bias that women in politics continue to battle.

### The Criminalization of Politics and Gendered Barriers

One of the major deterrents to women's active participation in politics is the growing criminalization of politics in India. Cases like Prajwal Revanna's sexual abuse allegations have exposed the misuse of power by male politicians, reinforcing an environment of fear that deters women from entering politics. Sexual violence, character assassination, and threats are often used as tools to suppress female leaders and activists. The lack of strong institutional mechanisms

within political parties to address harassment further discourages women from pursuing leadership roles.

Furthermore, political parties are reluctant to nominate women for winnable seats. The dominance of money and muscle power in elections favors male candidates, while women are often sidelined or given symbolic nominations. Even within party structures, male politicians monopolize key decision-making positions, making it difficult for women to rise beyond a certain level. Are Women Better Legislators? Women politicians are found to be less corrupt, more effective, and less susceptible to political opportunism. Their presence often leads to better policy outcomes in education, healthcare, and social welfare.

Despite their capabilities, many female politicians struggle within their own parties due to male-dominated structures and patriarchal mindsets. Many women who secure representation belong to political dynasties and are often perceived as proxy representatives for their male relatives, exercising only nominal power. Genuine political empowerment requires not only quotas but also meaningful structural reforms that allow women to exercise independent agency.

### The Role of Reservation in Enhancing Women's Representation

The introduction of women's reservation at the grassroots level has demonstrated tangible improvements in governance. Studies show that female leaders in panchayats and municipalities are more likely to focus on developmental issues such as healthcare, sanitation, and education. Given this success, extending reservations to the Lok Sabha and State Legislative Assemblies could significantly enhance women's participation in policymaking at the national and state levels.

The Women's Reservation Bill (108th Constitutional Amendment Bill), which proposes 33% reservation for women in Parliament and State Assemblies, has remained pending for decades due to political resistance and lack of consensus. Some argue that reservation alone is not a sufficient solution, as it could lead to tokenism rather than genuine political empowerment. However, in the absence of strong internal party reforms, reservation remains the most viable mechanism to ensure fair representation.

~ Ms. Khushboo Goyal  
Student, 3rd year

# THE BINDER



Your essential collection of the latest legal updates, neatly organised for a quick reference.

## The SHe-Box Portal: Strengthening Women's Safety at the Workplace

The safety and security of women have always been a focus for the Government. Following the judgment in *Vishaka v. State of Rajasthan, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* (hereinafter referred to as "Act") was passed. The Act is unique in its broad coverage which includes all women irrespective of their work status, whether working in organised or unorganised, public or private sectors, regardless of hierarchy.



Under the Act, employers of all workplaces, public or private, are obligated to provide a safe and secure working environment free from sexual harassment, whereby every employer is mandated to constitute an Internal Committee (hereinafter referred to as "IC") wherever the number of employees/ workers is more than 10. Similarly, the Appropriate Government is authorized to constitute Local Committee (hereinafter referred to as "LC") in every district to receive complaints from organizations having less than ten workers or if the complaint is against the employer himself/herself

As per the Act, the appropriate government has to maintain the data of number of complaints received and disposed of. However until recently, there was no central database for maintaining the data on number of ICs and LCs as well as number of complaints filed and disposed of.

Hence the Ministry of Women and Child Development launched Sexual Harassment electronic Box (hereinafter referred to as "SHe-Box"). SHe-Box is a portal designed to serve as an accessible, centralized online platform for women facing harassment or their representatives to directly file complaints. The portal also serves as a central repository for ICs and LCs at various State/ UT administration level workplaces as well as workplaces in private sector (once they on-board the portal)

The complaint registration feature in the She-Box went live on October 19, 2024, after a majority of Central Ministries and Departments onboarded the portal. Once a complaint is submitted, it automatically reaches the concerned IC or LC. If the relevant IC or LC isn't yet registered, the portal promptly notifies state and district nodal officers to ensure quick registration. Confidentiality is prioritized where only the IC or LC Chairperson can access the complainant's details. Any complaint registered under SHe-Box is to be decided within 90 days as prescribed by the Act.

The She-Box portal empowers women, encourages a safe working environment, and promotes gender equality in the workplace by ensuring justice and timely redressal of complaints.

~ Mr. Anas Dhorajiwala  
Student, 4th year





# THE BINDER

Your essential collection of the latest legal updates, neatly organised for a quick reference.

## ‘Meri Saheli’ Initiative: A Step Towards Safer Railway Travel for Women

India has been progressively trying to make public spaces safer and more comfortable for women. One such commendable initiative taken by the Indian Railway Ministry is the “Meri Saheli Initiative” with the help of the Railway Protection Force (RPF). Initially started as a pilot project in the South Eastern Railway zone, the initiative proved successful and was subsequently extended to all zonal railways across the country from October 17, 2020.

### What is the Initiative About?

This new initiative by the Railways aims to provide female passengers a safe, secure and comfortable journey from the originating station to the destination. To achieve this the RPF has taken the following steps:

- Dedicated teams of women RPF personnel headed by female officers have been deployed across different railway zones.
- RPF officers proactively identify female passengers—especially those traveling alone and offer them travel assistance, guidance, and emergency contact details. They also assure them of their safety and make sure no one makes them feel uncomfortable
- Every RPF officer is given a team and allotted one train which they look after to ensure that the female passengers feel protected at all times, throughout the journey.
- Currently, an average of 1,176 women RPF personnel are deployed daily across the Indian Railways network.

### Why Was It Taken Up?

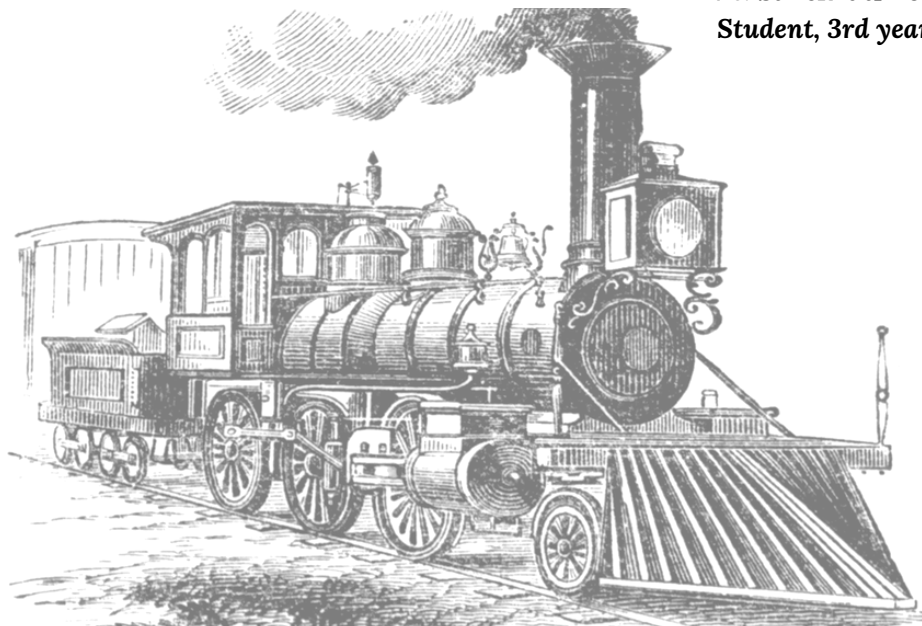
The initiative was launched due to growing concerns over women’s safety on trains, especially during long-distance travel. Many women have reported facing harassment and safety threats while traveling. Specially women who are traveling alone overnight.

This initiative helps to mitigate risks by ensuring timely vigilance and giving women immediate assistance whenever required. This initiative has been long overdue and with the increasing amount cases of violence against women, it becomes even more relevant to give special protection to women. Such initiatives empower women to participate in the public domain by catering their specific concerns and ensuring their safety.

### Conclusion

The Meri Saheli Initiative has had a significant impact in giving confidence to women passengers. The proactive efforts by Indian Railways and the RPF have not only improved security but have also encouraged more women to get out of the four walls of their houses. Such initiative help empower women by giving them back their autonomy and right to move freely anywhere within the country With ongoing expansions and continuous improvements, this initiative is a step towards making railway journeys safer and more inclusive for women.

~ Ms. Sanskruti Berde  
Student, 3rd year



# THE GAVEL



*The strike of the mallet, in recent judgements, summarised for easy reading.*

## Expanding Scope of Maternity Benefits: Kavita Yadav v. The Secretary, Ministry of Health and Family Welfare, 2023 SCC OnLine SC 1067

The Supreme Court of India, in *Kavita Yadav vs The Secretary, Ministry of Health and Family Welfare*, 2023 SCC OnLine SC 1067, held that maternity benefits under the Maternity Benefit Act, 1961, extend even if the contractual period of employment expires while on maternity leave.

Both the Central Administrative Tribunal and the Delhi High Court supported the decision of the hospital, arguing that maternity benefits would not be able to go beyond the duration of a contractual appointment. The Supreme Court, however, disagreed and stressed that after a woman is eligible for maternity benefits under Section 5(2) of the Act, such benefits cannot be withheld simply because her contract has expired.

### Background

Dr. Kavita Yadav, who is a pathology doctor, was posted as a Senior Resident (Pathology) at Janakpuri Super Speciality Hospital, which is an independent hospital of the Government of N.C.T. of Delhi, w.e.f. June 12, 2014. She was appointed on contractual basis for a period of one year, with the option of annual extensions for a maximum period of three years. Her contract was extended twice, and the last tenure was to end on June 11, 2017 .

On 24th May, 2017, Dr. Yadav requested maternity leave from 1st June, 2017, under the Maternity Benefit Act, 1961. To this, the hospital administration replied that, as her contractual period was expiring on 11th June, 2017, she was eligible for maternity leave only until then and not after. They quoted the conditions of her appointment, which did not allow an extension over the three-year period.

Challenging this decision, Dr. Yadav approached the Central Administrative Tribunal (CAT), New Delhi, seeking full maternity benefits. The CAT dismissed her application, agreeing with the employer's stance that her entitlement to benefits could not extend beyond her contractual term.

Thereafter, she approached the Delhi High Court by filing a writ petition, which also supported the decision of the CAT. Not to be deterred, Dr. Yadav appealed to the Supreme Court of India.

The Supreme Court considered whether maternity benefits under the Maternity Benefit Act, 1961, would be applicable to a contractual employee if the duration for which she seeks such benefits exceeds the term of her contract. The Court ruled that once an employee is eligible for maternity benefits under Section 5(2) of the Act (i.e., has worked for 80 days), such benefits can extend beyond the period of employment. The Court laid stress on the fact that the Act imposes an embargo on the employer in dismissing or discharging a woman who remains absent from work in terms of the provisions of the Act during her absence. This embargo extends to discharge on the expiry of the contractual period. Hence, the Supreme Court overruled the decisions of the lower courts and ordered that Dr. Yadav was entitled to full maternity benefits, although such benefits went beyond the period of her contractual employment.



# THE GAVEL



**The strike of the mallet, in recent judgements, summarised for easy reading.**

## Issues

1. If the appellant could be paid maternity benefits for over 11 days, even though her period of service concluded on 11th June 2017.
2. Whether the employer had grounds for withholding the full maternity benefits on the basis that no further extension was permissible under the residency scheme.
3. Whether the past grant of maternity benefits by the employer to the appellant during her first pregnancy gives rise to a duty to grant the same benefits in this case.
4. Whether the appellant qualifies for the requirement of having worked for 80 days or more in the 12 months preceding the expected date of her delivery and is thus entitled to maternity benefits under the Act.

## Judgement

The Court held that the Act does not allow an employer to fire or dismiss a woman on maternity leave, including dismissal at the end of the contract. The interpretation reasserted that the aim of the Act is to protect maternity rights and provide job security during pregnancy regardless of employment status. The Supreme Court thus reversed the lower court judgments and ordered that Dr. Yadav was eligible for full maternity benefits regardless of her contractual period.

The judgment entrenches the rights of contractual employees, with maternity protection not being eroded by harsh contractual terms.

## Ratio decidendi:

The Supreme Court held that after the woman employee serves for 80 days, she comes under Section 5(2) of the Maternity Benefit Act, 1961, and is entitled to maternity benefit and cannot be deprived of the same on the basis that her contract period is over. The Act imposes a prohibition on the termination or dismissal by the employer of a woman worker during maternity leave, including situations where the ground for termination coincidentally happens to be a fixed-term contract. The Court reaffirmed the legislative policy of the Act as being to secure the employment and maternity benefits of women and to extend the benefit beyond the duration of a contract of appointment in case the job so demands.

The Supreme Court decision maintains the very essence of the Maternity Benefit Act, 1961—defending the maternity rights of women and employment security, irrespective of their employment status. In concluding that maternity benefits cannot be capped at the expiry of a contractual term, the Court has laid down a precedent that maintains the interest of working women against harsh contractual limitations. The decision is not only a guardian of the rights of contractual workers but also reiterates the importance of interpreting labor legislations in a manner that creates gender justice and social security. This judgment in the coming years will influence labor policies and employer behavior, rendering the workplace more conducive and friendly for women in India.

“  
If you want something  
spoken about ask a man,  
If you want something  
done, ask a woman.

-Margaret Thatcher

~ Ms. Shrishti Shastry  
Student, 3rd year



# THE GAVEL



*The strike of the mallet, in recent judgements, summarised for easy reading.*

## Manoj Kumar Munda v. State of Odisha & Anr., 2025 SCC OnLine Ori 480

On 14th February, 2025 the Hon'ble High Court of Orissa ("Court") delivered a judgment which added a new dimension to the concept of rape under the false promise of marriage. The judgment opened up an important debate on whether a law has been a shield or a shackle? The Court recognized that sexual autonomy is a right and not a bargain and that an exercise of this right is not a betrayal of virtue. Thereby stating that the law must evolve not in deference to tradition but in upholding justice.

### **Background**

The victim had met the accused about nine years ago back in 2012 while they were both pursuing a computer course. They both developed a close friendship and eventually the accused fell in love with her. Even their families were aware of their relationship. The Accused later on secured a job as a sub-inspector of police and thereafter maintained a physical relationship with the Victim. She claimed that the physical relationship was against her will and alleged that she was tortured and administered 72 contraceptive pills to prevent her pregnancy. Furthermore, she also claimed that she had attempted suicide and alleged that the Petitioner had failed to register their marriage despite of them having got married at a Temple.

The accused denied the allegations of the victim by pointing out the inconsistencies in her statements throughout the course of trial and submitted that there was no evidence to substantiate that the victim was administered contraceptive pills or that she had attempted a suicide.

### **Issue**

Whether the accused's failure to marry the prosecutrix invalidated her consent under Section 375 of the Indian Penal Code, 1860?

### **Ruling**

The case involved a long term consensual relationship of about nine years between the victim and the accused which the victim claimed to be based on a false promise of marriage. The moot question that the Court framed was whether a failed personal relationship would amount to a criminal offense?

The Court delved into the intricacies of "consent" under Section 375 of the Indian Penal Code, 1860 and referenced their judgment to the case of Pramod Suryabhan Pawar v. State of Maharashtra and cite the parameters to determine whether the consent was obtained by a misconception of fact arising out of a promise to marry. They are as follows:

1. The promise must have been a false promise, given in bad faith and with intention of being adhered to at the time it was given.
2. The false promise itself must be of immediate relevance, or bear a direct nexus to the woman's decision to engage in the sexual act.

Furthermore, the Court also considered another judgment with similar facts in the matter of G. Achyut Kumar v. State of Odisha, 2020 SCC OnLine Ori 417. The Court while deliberating upon the concept of consent and agency of a women held that rape laws should not be used to regulate the consensual intimate relationships.

However, the Court in the abovementioned judgment also took into consideration the plight of women coming from socially and economically backwards sections of the society, who are often lured into sex by men on false promises of marriage and then dumped once they get pregnant. Nonetheless, the Court held that the consent obtained on a false promise of marriage is not a valid consent.

The Court in the present case cited the work of Judith Butler in Gender Trouble: Feminism and the subversion of Identity, to establish an argument that marriage in a patriarchal society reinforces the notion that female sexuality must be bound to male commitment. The Court held that the law must resist such a notion. And that a woman engages in intimacy only as a prelude to marriage and that her consent to one act is a silent pledge to another, is not a principle of justice but an instrument of control and moral policing. Having said so, the Court also took into consideration that laws do not exist in vacuum but in a society. That there are a lot of women in this nation who are tied to the narrow confines of tradition and to whom consent is rather a submission to circumstance. Thus stating that the principle must be tread with vigilance and must not become a pretext for abuse.

The Court while confining its holding to the facts of the case and given the lack of evidence and inconsistencies the victim's claims; stated that the proceedings against the accused must be quashed in light of the view that the justice system is meant to address crimes and not serve as a battleground for failed relationships.

~ Ms. Janhavi Angal  
Student, 3rd year



# THE COMMENTARY



*Straight from the commentary box of our editorial board, curated reads & finds to expand your legal mind.*

## The Poor People's Feminist and the Rich People's Feminist

**Books: *The Adivasi will not Dance* by Hansda Sowvendra Shekhar, *Dear Ijeawe!le: A Feminist Manifesto in Fifteen Suggestions* by Chimamanda Ngozi Adichie**

I think this is the best and the worst time to be a feminist, because, while everyone is talking about feminism, nobody quite gets it. Feminism gives women a choice, a choice to be the kind of woman one wants to be. On this women's day, I want to share the two books which gave meaning to the word 'feminism' for me. The first is 'The Adivasi will not Dance' or what I would refer to as poor people's feminism. This is the feminism most of us assume we are acquainted with, the type for which, any man today would happily stand by. This type is typically associated with fighting against acts which essentially dehumanize women and is more palatable to the society in general; because more people can agree with 'killing women is wrong!' than 'let her choose what she wants to wear'.



The book is an anthology of stories about Adivasis. Our protagonist is a poor tribal woman. Until I read this book, I knew what intersectional discrimination is, I knew that poor women faced more inequalities, more crimes, and more injustice, than a privileged one, but the stories that this book paints are haunting, revolting, and raw. Oh, to be a woman, a poor one, and that too contaminated with the social constructs of class and caste, is the biggest form of injustice! This book would inform you that human dignity, though a right in our constitution, is a dream for many.

The second book is 'Dear Ijeawe!le: A Feminist Manifesto in Fifteen Suggestions' or what I would refer to as rich people's feminism. Why rich people's feminism you ask? because this book does not talk about discrimination in the sense of sex crimes, dowry deaths, and murders, and therefore whatever feminism it preaches is propaganda, a lie, and a tool to emasculate men. And, well, whatever is not grotesque and unsightly, is essentially a rich people problem, isn't it? Dear Ijeawe!le, for us privileged women, is a guide to recognize the subtle and inherent discrimination and inequality we are bestowed with from our birth. The book is a short 25-page manifesto which doesn't just recognize the problems, but gives suggestions on how to raise the next generation in a more sensitized manner. The book does not teach how to raise a feminist child, rather it teaches on how to raise a child who has the ability to choose their own identity. And, I believe, that is essentially what feminism is.

Both of these books, though extremely different, are quite similar. Inequality may differ in proportion, but it still remains the same, i.e., to be treated lesser. These two books didn't make me a feminist, in fact I believe I have been one for the longest time, instead, they gave a shape, a language, and a meaning, to the sentiment I had been feeling for so long! I hope, these would do the same for you.

*If interested you may*

[Click here to purchase \*The Adivasi Will not Dance\*](#)

[Click here to read \*Dear Ijeawe!le\*](#)

These books are recommended by,  
**Ms. Harshita Tyagi,**  
**Student, 5th year.**

# THE COMMENTARY



*Straight from the commentary box of our editorial board, curated reads & finds to expand your legal mind.*

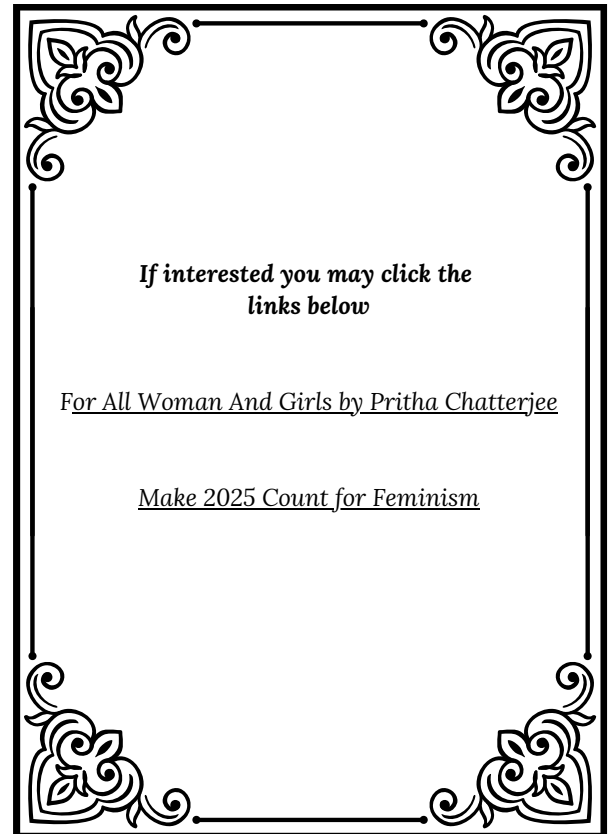
## Breaking Barriers: Must-Read Articles on Woman Empowerment

**Articles : For ALL Women and Girls: Pritha Chatterjee wants “a world free of violence” and Make 2025 count for feminism: What you can do right now**

I recommend all the students to read this article. I found it impressive how small steps can bring effective changes when we take action to bring a revolution in the socioeconomic dimensions for women in society.

India has witnessed a journey from women being worshipped to women being suppressed. Female infanticide and female foeticide are the terms used for a very long time to discuss the brutal treatment meted out to girl children. Dowry harassment, Sexual harassment, and indecent representation of women are common areas of concern for lawmakers, the judiciary, and all other stakeholders who work to make situations better for women to live their lives without fear.

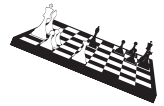
I could draw some similarities with the Vishakha case when I read this article. The case of Bhanvri devi , a sathin working for Vishakha , an NGO was gang-raped for advising women on the ill effects of child marriages. The work done by BREAKTHROUGH is highly commendable. Pritha, is working with this NGO aiming to help girls and help them by providing the basic needs of education. It shows the grit and determination of women who want to be the torchbearers of women's rights. The focus on education for young girls and bridging the gap of gender equality are two concepts that can be correlated and aimed at bringing the much-desired results



These Articles are recommended by  
**Mrs. Kavita Sharma,**  
 Assitant proessor, PGCL.



# THE BLACK & THE WHITE



*A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?*

## The Surrogacy Act – A Socio-Legal Conundrum on the Politics of Gender Roles and Duties

The struggle for women's rights in India has been closely tied to the question of bodily autonomy since centuries. Historically, a woman's primary societal role was often reduced to taking forward the family's lineage by giving birth to an heir. A woman's value has been tied to her potential to produce an heir of the family; however, with the new advancements, we have left that past long behind.

In *Suchitra Shrivastava v Union of India*, the Indian judiciary, for the first time, upheld a woman's right to bodily autonomy and right to reproduction. From here onwards India has been on an upward trajectory when it comes to reproductive rights. According to the most recent [Gender Inequality Index by the UN](#), India has shown significant improvement in reproductive health.

The technological advancement of recent times have given rise to myriad of option for couples who want to start a family without putting the woman's health at risk. As these alternatives became popular, the Government of India introduced the Assisted Reproductive Technology Act, 2021, and The Surrogacy Act, 2021 to regulate them and keep them in check. At first glance, these laws seem like a step forward, but a deeper look uncovers some serious complexities, prompting important questions about their real impact on society and how well they promote reproductive justice.

The new legislation bans commercial surrogacy, allowing only altruistic surrogacy for a select group of women. This approach raises several concerns, particularly regarding a woman's right to take decisions about her own body.

It confers upon the society the big question of who decides whether it is moral for a woman to sell her body? In a recent judgement by the Supreme Court on prostitution as a profession

also explores this question and states that Article 21 gives everyone the right to live with dignity irrespective of their means of livelihood. It states that if an adult woman enters an agreement with her full consent then who is the State or the police to take action against such an agreement. This law effectively strips many women of their livelihood under the garb of saving them from exploitation.

Such a provision highly downplays the considerable physical and emotional efforts involved in carrying a pregnancy. It effectively sends the message that motherhood is the duty of every woman and it cannot be treated as a job worthy of remuneration. This reflects a deep-rooted societal belief that motherhood is an obligation rather than a choice.

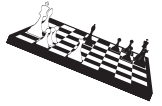
While the government argues that banning commercial surrogacy will protect women from exploitation, it may actually push the practice underground, leading to unregulated and potentially exploitative situations. Essentially, the law strips women of their autonomy, taking away their right to decide if they should be compensated for their contributions.



Even the Standing committee report and the Select Committee report suggest that women should receive compensation for becoming surrogate mothers, however, it should be limited and well regulated.

**DISCLAIMER:** The opinions expressed in this article are solely those of the author(s) and do not reflect the views of the newsletter. The content is intended for academic purposes and does not aim to hurt, target, or offend any individual or group. Readers are encouraged to engage respectfully, and personal attacks or harassment will not be tolerated.

# THE BLACK & THE WHITE



***A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?***

The second big issue with this act is the restriction it imposes with regards to who can use the services of a surrogate. The act defines “intending couples” as a couple who has been legally married for at least 5 years and have a medical indication necessitating gestational surrogacy;

while “intending woman” is defined as a woman who is divorced or widowed; is between the age of 35 years to 45 years and is genetically related to the “intending couple”. Now there are 3 major problems with these definition; first being it excludes homo-sexual couples, live-in-partners and single men/women completely from its ambit, the second problem arises with the words “genetically related” in the definition of an “intending woman”, as this may cause many emotional as well as physical hurdles for the couple and the woman.

The last problem being the 5 year blanket restriction. In cases where the woman has been diagnosed infertile, or has had a salpingectomy, Hysterectomy, oophorectomy etc. or conditions where there is no chance of the woman being able to ever carry a fetus, should be considered.

The new act has imposed such extreme restriction which will end up making the practice inaccessible, rendering the option of surrogacy for most couples as non-existent.

Therefore, it is necessary to modernize the Act in line with judicial advancements and the evolving needs of contemporary society. Rather than a progressive step, this legislation, deeper understanding, appears to be a regression in the pursuit of women's rights, subjecting family and reproductive decisions to excessive scrutiny by the State. The Altruistic model proposed by the act mirrors the handmaid's tale dystopia giving an eerie feeling about the law.

With the rise of Authoritarianism throughout the world and Western Countries banning essential facilities for women like abortion, it seems like India is following suit by sanctioning laws that take away women's autonomy. History gives evidence to the fact that laws that suppress the vulnerable sects of the society under the garb of protection are the hallmarks of the rising power of right wing authoritarianism.

Today we live in times where we are witnessing a major shift in the political ideology of the world towards extremism and soon enough it will be the Women who will pay the cost with their rights, their autonomy and worse of all their freedom.

**~ Ms. Sanskruti Berde  
Student, 3rd year**



**DISCLAIMER:**

*The opinions expressed in this article are solely those of the author(s) and do not reflect the views of the newsletter. The content is intended for academic purposes and does not aim to hurt, target, or offend any individual or group. Readers are encouraged to engage respectfully, and personal attacks or harassment will not be tolerated.*

# THE WIG & THE WIT



Simple and fun puzzles to judge your wit!

## FIND HER NAME, KNOW HER STORY!



### KEY :

1. She was the first woman to win a Nobel Prize. \_\_\_\_\_
2. She was the first Indian woman to win a paralympic gold medal in shooting in 2020. \_\_\_\_\_
3. She was the first woman to fly a nonstop transatlantic solo flight. \_\_\_\_\_
4. A Black civil rights activist whose refusal to give up her bus seat ignited the American civil rights movement.  
\_\_\_\_\_
5. She was the first and only woman prime minister of India. \_\_\_\_\_
6. Known for 'Orlando'; 'Mrs. Dalloway' & 'A Room of One's Own', she is a British author known for her contributions to modernist literature and her advocacy for women's rights. \_\_\_\_\_
7. Former CEO of 'Xerox', she was the first Black woman to lead a Fortune 500 company. \_\_\_\_\_
8. Founder & CEO of Nykaa, India's leading beauty e-commerce brand. \_\_\_\_\_
9. She was the first female judge of the Supreme Court of India. \_\_\_\_\_
10. She's a silver medallist at the Tokyo 2020 Olympics in weightlifting (49kg) and a renowned world champion in 2017. \_\_\_\_\_
11. She is a British actress, model and activist known for her strong advocacy for women's rights; who also founded the 'I weigh' movement. \_\_\_\_\_
12. She got the entire population singing 'who run the world - Girls!' \_\_\_\_\_



Created by  
**Ms. Risha Patel**  
Student, 4th year



# THE CAUSELIST

The Newsletter's schedule for all things high and happening at the Pravin Gandhi College of Law.



## Anticipated Events in April

Kindly note that the following events/dates are tentative and subject to change - so keep a lookout!



Legal Aid Extensions Drive  
8th April 2025



Bon Voyage - The Farewell Party  
2nd April 2025



Discussion on Freedom of Speech Under Examination: Analyzing Article 19 in the light of Ranveer Allahbadia Controversy  
3rd April 2025



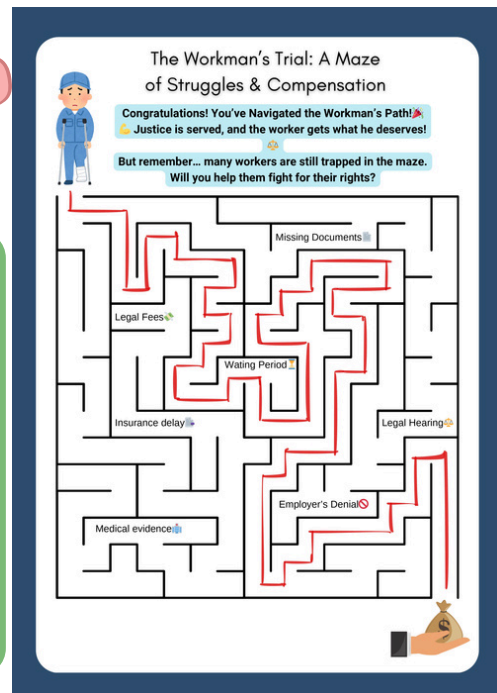
Convocation - Batch of 2024  
26th April 2025



It's time to grab 'em books!



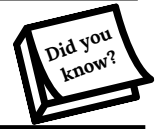
February 2025 Issue: Answer Reveal



April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3

2025

# THE POST-ITS



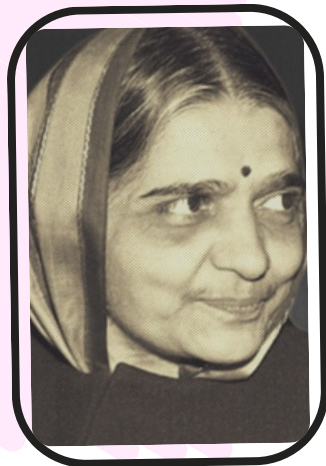
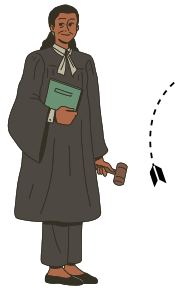
Sticky Notes to tack up some fun legal facts.



## First Woman Attorney General of India?

India has never had a female Attorney General, but Indira Jaising became the first woman Additional Solicitor General.

Under the Zero FIR ruling by the Supreme Court, a rape victim can file a complaint at any police station, regardless of where the crime occurred. No officer can refuse it on jurisdiction grounds—the FIR must be registered and transferred to the concerned station.



Hansa Jivraj Mehta rewrote history by changing "All men are born free and equal" to "**All human beings are born free and equal**" in the UDHR.

Thanks to her and Eleanor Roosevelt, marriage equality for women was also secured in Article 16.



*Empowered Women Empower Women*



## Until Next Time...

As we close this issue of 'The Briefcase', we want to thank you for flipping through these pages and joining us on this exciting journey. We hope this edition added a spark of curiosity, a pinch of knowledge, and maybe even a smile to your day.

But don't worry, this is just another chapter. Next month, we'll be back with more legal insights, fresh opinions, exciting games, and surprises to keep you coming back for more. We're just getting started, and there's so much more we can't wait to share with you!

So, until we meet again, stay curious, stay inspired, and keep questioning the world around you. Remember, *The Briefcase* is always here to pack your mind with the essentials. See you in next month's issue—trust us, you won't want to miss it!

With gratitude,  
**The Editorial Board**

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*Thank you for reading!*

We'd love to hear from you!  
Share your thoughts, ideas, or suggestions to help us make this newsletter even better. Tell us what you loved or what you'd like to see in our next edition!

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