

Women content (society)

Paternity leave :-

Concept :- It is a paid leave period reserved exclusively for fathers in relation to child birth.

Wrt INDIA :-

- .) No legal provision for paternity leave in India
- .) All India & Civil Service Rules allow Central Govt employees (< 2 surviving children), 15 days of paternity leave
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- .) No mandatory prov' in pvt. organization
 - ↳ eg:- Zomato India
(26 weeks of paid leave)
for new fathers

.) UNICEF \Rightarrow 16 weeks of paid leave.

Why paternity leave is imp^t

- .) Acc to ILO, child requires equal support from both parents in first 1000 days
(Quality father-child interaction \Rightarrow healthy dev^t of child)
- .) Postpartum depression + anxiety symptoms of new mothers can be reduced with father's ability to stay home.
- .) Nuclearization of family

Lack of support of extended family
w^t child care

entire burden on mother

\Downarrow
with paternity leave, the
burden can be shared.

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- .) Bridging gender gap at home for facilitating equality at workplace.
(LFLFP : Reason :-)
 - .) Career Break due to Reproductive beh^r + child bearing responsibility)
 - .) Dual Burden

Challenges :-

- .) The culture of toxic masculinity
 - ↓
Hesitancy + Ridiculing in doing what men consider as 'WOMEN'S WORK'
- .) Lack of will among employers.
 - ↓
financial burden
- .) Gender based division of labor.
- .) Existing legislation (15 days of PL) are reinforcing societal bias.

CHANGING TRENDS

- ↳ Eg of Zomato India
- ↳ Britain : Parents granted 1 yr. of paid leave
- ↳ COVID-19 : Work from Home culture

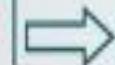
WAY AHEAD :-

- .) Socialization of children, Adolescents wrt notions of Gender equality
- .) Attitudinal change in society so as to ensure active participation of male partner during pre, peri, post natal stages.
- .) Legislative Reforms : Paternity Benefit Bill needs to be passed

Unpaid work

- **Care work:** care of persons living in the house, such as looking after children, the elderly, sick, disabled etc.
- Activities involving production of services meant for the maintenance and care of household.
- Unremunerated/voluntary work for production of goods and services in households or market/non-market units.
- Activities involving production for own-consumption (such as processing of agricultural products, milling, weaving etc.)
- Voluntary/community activities or services rendered free to other households or the community.

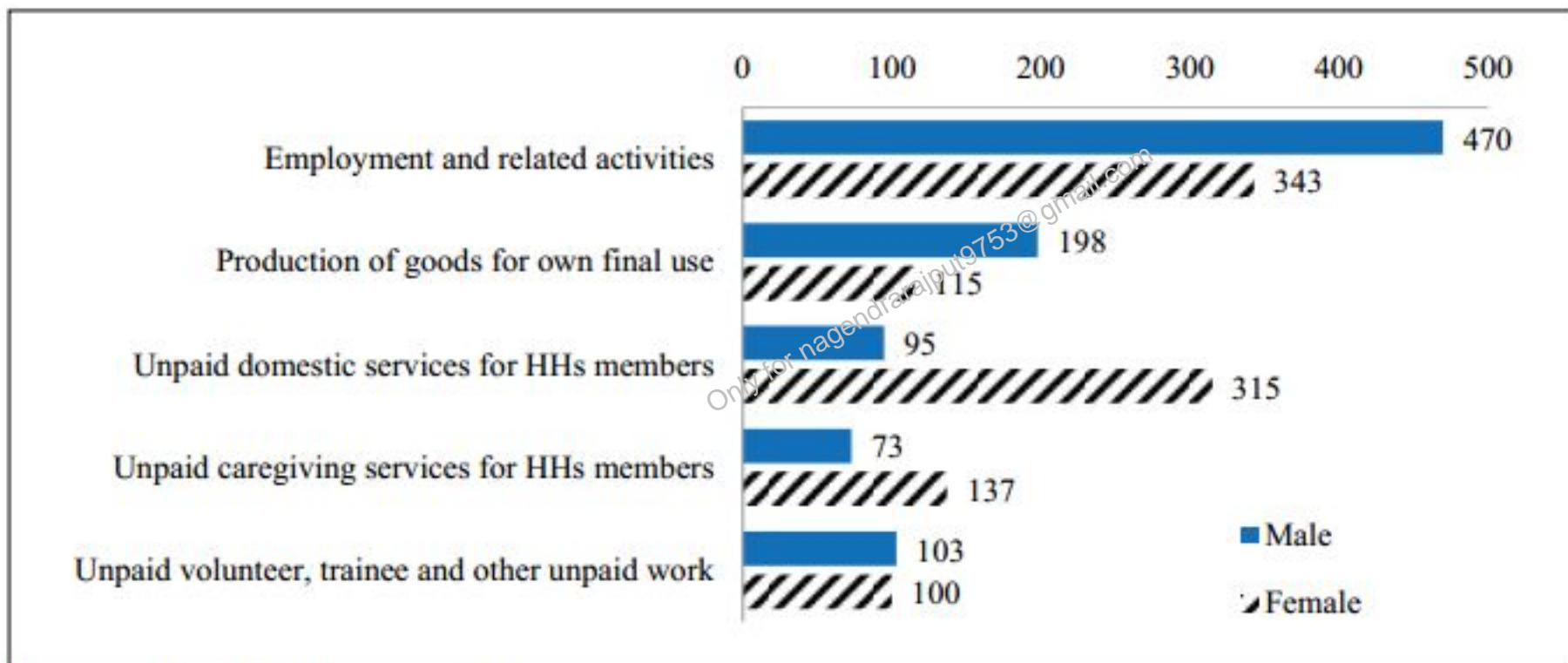
Skewed Distribution of Unpaid Work



- Global trends: Women perform three-quarters of unpaid care work.
- Trends in India: 91.8% of women in India between the ages of 15 and 59 participated in unpaid domestic work for household members in 2019 (in comparison this percentage was 20% for men).

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Figure 8: Average Time (in minutes) Spent in a Day per Participant in Different Activities (15-59 age group)



Source: Time Use Survey, 2019.

Table 10: Average Time (in minutes) Spent in a Day per Female participants of Different Levels of Education

| Level of education | Unpaid domestic services for household members | Unpaid caregiving services for household members |
|---------------------------|---|---|
| Not literate | 296 | 126 |
| Below primary | 301 | 126 |
| Primary | 304 | 131 |
| Upper primary/middle | 308 | 131 |
| Secondary and above | 295 | 146 |

Source: Time Use Survey, 2019

④ Causes for low representation
of women in Unpaid work :-

-) Gender stereotype : women by very nature is caring + nurturing
-) Patriarchal Instⁿ such as family : Socialization of girls for domestic chores.
-) Lack of safety & security (+) women associated with honour of family \Rightarrow Society donot prefer working women.
Due to ltd access to edu + still devalued \Rightarrow ltd job opp.
-) Subordinate status of women in society
-) Restricted mobility after marriage
-) Sexual division of labour (Structural manifestation of Gender)
Acc. to Oxfam Report : " primary role of women in India is to take care of family , & any income generating work is secondary to this "

Impact
on
women



- Causes time poverty and time stress and generates considerable opportunity cost.
- Barrier to women's labour force participation: Prevents women from actively pursuing further education, employment opportunities and raising their skill-level.
- Occupational downgrading and segregation: Women choose employment below their skill levels and in sectors that are traditionally associated with their gender roles.
- Discrimination in hiring and pay.
- Increases hierarchy in gender relations and gender inequalities in the family.
- Deteriorates quality of life due to issues like sleep deprivation, social reclusiveness, etc.
- Detrimental to women empowerment.
- Increased vulnerability to environmental and economic changes such as climate-related shocks, austerity policies reducing social sector expenditure etc.

investment in institutional support to affordable and quality child care facilities,

paid paternal leave,

family-friendly work environment, and

support for elderly care needs to be made.

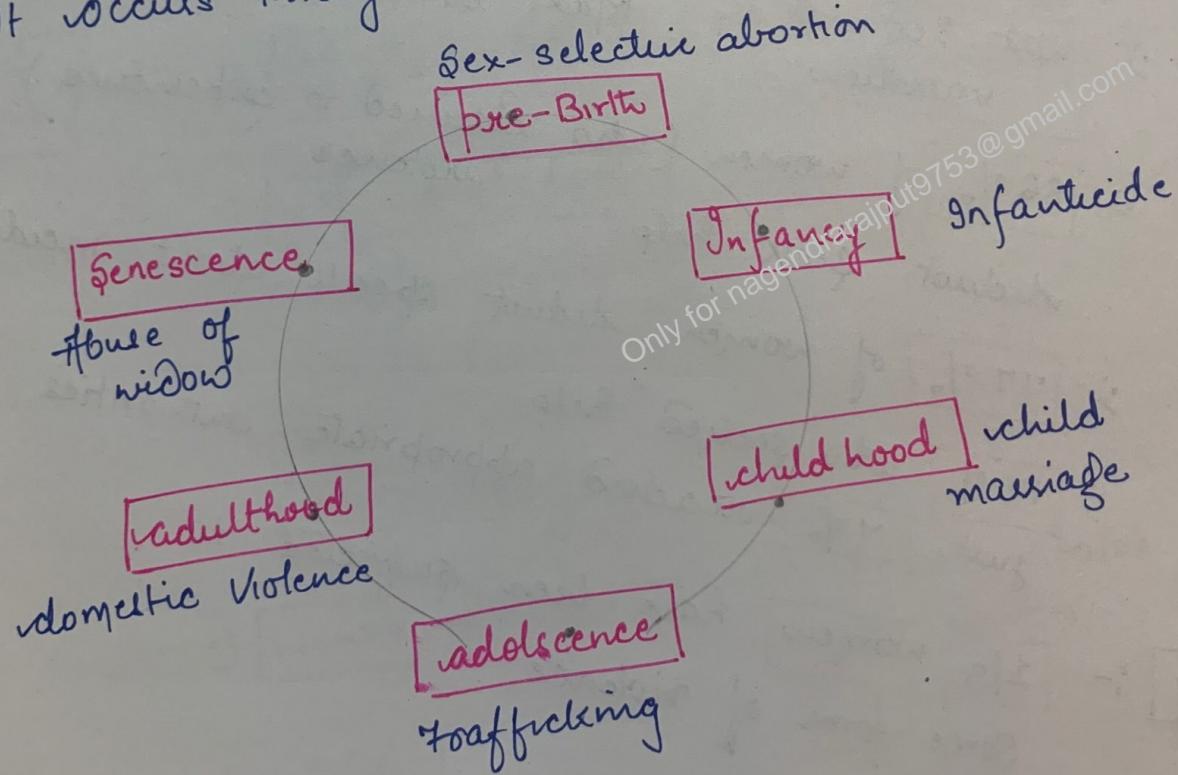
promote non-discriminatory practices at the workplace like pay and career progression,

improve work incentives, including other medical and social security benefits for female workers.

Violence Against Women

↳ **CONCEPT** :- Any act of gender-based violence that results into physical, sexual or mental harm

↳ **Extent** :- It occurs throughout life cycle.



- ↳ **statistics** :-
- .) Acc. to NCW, there is **46% rise** in complaints of Crime Against women in first eight months of 2021
 - .) Highest were recorded under **rt. to live with dignity**
 - .) **Domestic Violence**
 - .) **West Regional variation** : Max^m complaints = UP > Delhi > Haryana etc.
 - .) **86%** of women (who claimed to experience violence) didnot seek help.
 - .) **77%** of women didnot speak about incident to anyone
 - .) **14%** who sought help just **4%** reached appropriate authorities
- Globally** :- **1/3 women** have been subjected to some form of violence.

CAUSES OF VAW

- .) Institutionalization of Patriarchy
- .) Different process of Socialization
- .) Objectification + Commodification of women
- .) Gender stereotyping (Weak, passive, dependent)
foreg: FGM, Honour killing, child marriage
- .) Internalization of Patriarchal norms both by Men + Women (Gender Norm Index)
- .) Situational factor: Alcoholism, drug abuse etc
(Increase the likelihood of violence by reducing inhibitions, clouding judgements)

-) women with higher eco. status (Risk of violence is high)
as it threatens the male hegemony.
-) In Nuclear family (Lack of social support + ↑sg life stress)
women is treated as cushion to vent out frustration.
(↑sg. VAW).
-) Institutional weakness :
 -) Lack of stringent laws.
 -) Lack of proper enforcement
 -) Gender insensitive attitude of various stakeholders
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 -) Lack of certainty

Various efforts

↳ Statutory laws :-

-) Domestic Violence Act.
-) Dowry Proh. Act
-) Sexual Harassment ("Prev") Act

↳ International Plou"

:- •) [UAHR]: Art 5 (No one shall be subjected to Inhuman treatment)

•) [UN world Conf.]

[1945] : Mexico

[1980] : Copenhagen

[1985] : Nairobi

[1995] : Beijing

•) [Vienna Dec¹] (1993) : Equal status for women.

•) CEDAW

- ↳ **[ICRW]** : Conducted a TV prog. 'BOL'
•) to create awareness among women.
-) **[Gujarat]** : Nari Adalat (Baroda)
-) **[UP]** : Nari Adalat (Saharanpur)
Sahara Sangh (hill distt of Tehri)
-) **[WB]** : Shalishi (Traditional arbitration system)
used by Sheamajibee Mahila Samiti

- ↳ **[Schemes]** :-
-) BBBP
 -) One stop Centres
 -) Fast track Special Courts
 -) SHE-BOX
 -) Swadhar Greh
 -) Mahila Police Volunteers

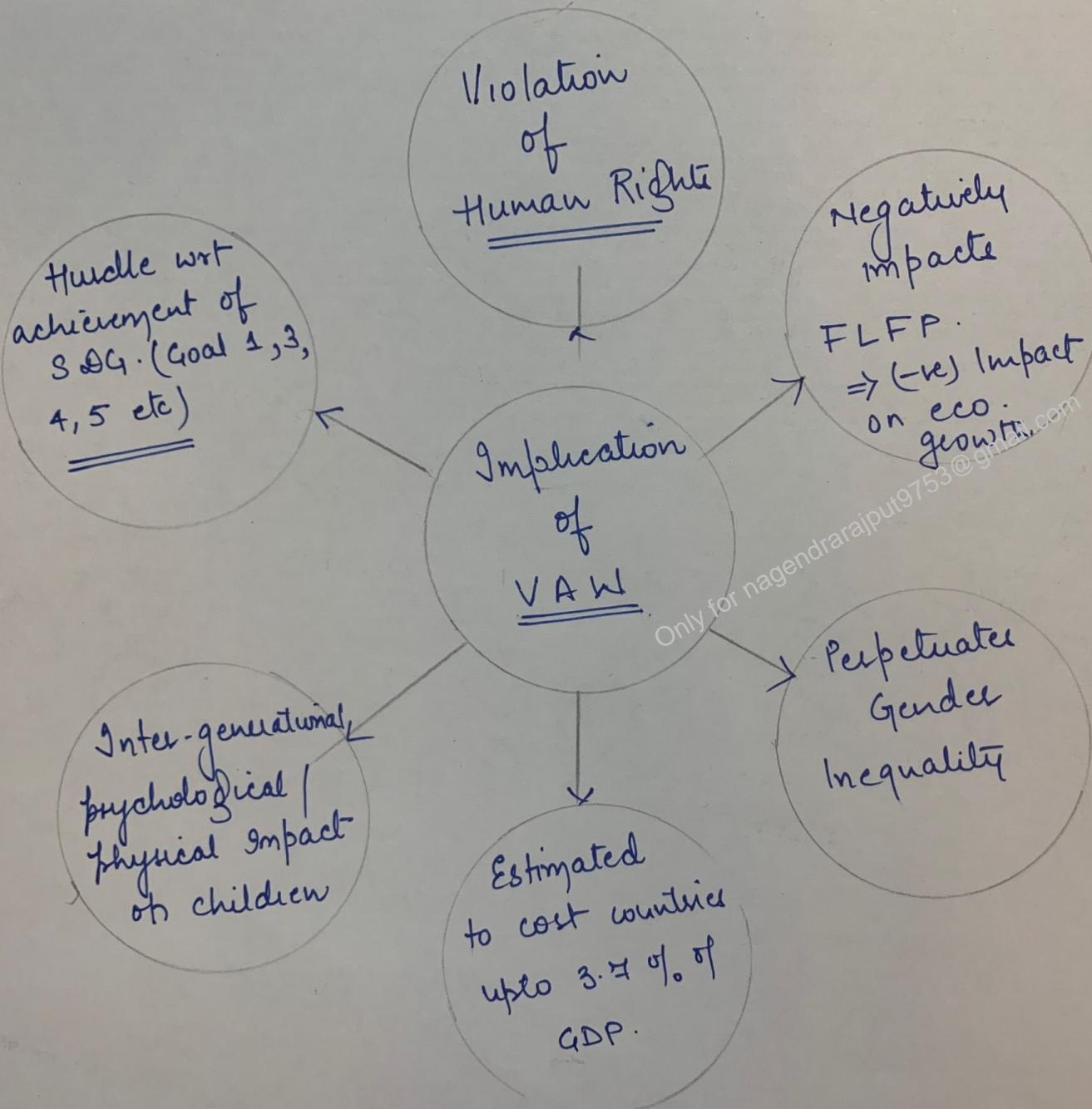
- ↳ **[Agency]** :
-) NCH

Despite Initiatives VAW is on the rise

- .) Poor Conviction Rate
- .) Delay in Judicial proceedings
- .) Lack of awareness among women wrt rights + entitlements
- .) Fear of stigmatization \Rightarrow lack of reporting
- .) Lack of efforts wrt Attitudinal change
- .) Gender biased attitude of Law Enforcement Agencies
- .) Corruption of Value system.
- .) Failure of state to provide adequate infrastructure
- .) Lack of Data (+) Under-reporting +
due to known accused
- .) Broken Window Theory

④ Implication of VAW

- ↳ **Health Issue** :- VAW is a preventable cause of morbidity & mortality in women.
- ↳ affects **mental**, **physical**, **reproductive** health of women.
- ↳ **Economic Issue** :-
-) **Direct Cost** :-
 -) loss of **income**
 -) loss of **productivity**
 -) loss of **health** → Cost of healthcare
 -) **Indirect Cost** :-
 -) Impact on child
 -) **female** + **child mortality**
 -) Intergenerational social + psy. cost.
- ↳ **Development Issue** :- It obstructs participation of women in devt + policy making as it obstructs their ability to act more freely.
- ↳ **Right Issue** :- hinder realization of FR's U/A 14, 21 of ④.



Short term Way forward

- .) strict enforcement of laws.
- .) Quick disposal of cases through FTC's
- .) Strict patrolling / vigilance at nights
- .) Training of women in self defence.
- .) Promote concept of community policing + Mohalla committees
- .) Regulation of public transport
- .) Setting up of helplines / mobile apps.
- .) Social Innovations :- OSC, MPV, All mahila police stations, etc...
- .) Create Redressal mechanism wrt cyber violence
- .) Mechanism to protect privacy, dignity of victim
- .) Use of Tech to create gender friendly infrastructure & space.

Long-term Way forward.

- .) Moral Overhauling of society
- .) Value Based edu' w/o any gender colouration
- .) Gender sensitization of all stakeholders
- .) De-stigmatization of VAW.
- .) Create awareness among women through continuous efforts
eg: Social media platforms
charismatic personalities
Street plays.
- .) Engage with Men + Boys as CHANGE AGENTS
(He + she campaign)
- .) Need of convergence approach.

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1.6. DOMESTIC VIOLENCE AGAINST WOMEN

Why in the News?

As per the World Health Organization, nearly **one in three women worldwide experience physical or sexual violence** during their lifetime.

Status of Domestic Violence against women in India

- According to National Family Health Survey (NFHS-5) 2019-2021:
 - Percentage of spousal abuse was **higher in Karnataka**, followed by Bihar, Manipur, and Telangana.
 - **29.3% ever-married women aged 18-49 years** have experienced spousal violence (physical and/or sexual violence).

Domestic Violence

- ↳ Acc. to MoSPI, highest share in violence against women.
- ↳ Premise :- SC ruled that women will have right to residence in the shared house (even if rented / owned by in-laws + husband has no ownership rights)
- .) Brother-in-law, has liability to pay maintenance to victim (if stayed in joint family)
- ↳ Provisions :-
- .) Define Domestic Violence :> factual / threat of abuse
=> physical, verbal, emotional, sexual, economic
 - .) Define 'women' : wife, mother, daughter, sister, nie-n-s'rship, divorced-wife
 - .) Civil law : relief provided to aggrieved women
 - compensation
 - right to residence
 - custody of child protection
 - .) Only when protection orders are breached it becomes
 - Cognizable
 - Non-bailable

.) **Punishment** : 1 yr max jail | 20,000 fine | both

.) provⁿ for **protection officer** : To help women wrt legal aid,
safe shelter + medical examination
+ **NGO's**

.) **Marital Rape** is not included

(*) **NOTE** :- .) To make ract 'Gender neutral', term 'Adult Male' has removed
.) Granting **maintenance** does not depend on wife's earning

.) **Live-in partner** (+) **divorced wife** incorporated
(can seek maintenance) (against marital abuse)

wrt Maintenance : SC held that deserted wives + children are entitled to
maintenance from the date they apply for it in court

- **Act is in addition to existing laws.**
 - Reliefs under PWDVA can be asked for in other legal proceedings e.g. petition for divorce, maintenance, Section 498A IPC, etc.
 - **Section 498A of IPC:** Whoever, being the husband or relative of husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.
 - **Section 85 of the Bharatiya Nyaya Sanhita, 2023** makes provisions related to domestic violence against women.

— Section 85 of BNS: Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Cruelty defined under **Section 86 BNS**.

Bullet Points on Section 85 BNS:

- **Offense:** Subjecting a woman to cruelty
- **Perpetrator:** Husband or relative of the husband
- **Punishment:** Imprisonment up to three years
- **Additional Penalty:** Fine

Bullet Points on Section 86 BNS:

Definition of "cruelty" for section 85:

- Wilful conduct likely to drive a woman to suicide or cause grave harm to her life, limb, or health.
- Harassment with the intent to coerce her or related persons to meet unlawful demands or due to failure to meet such demands.

Other initiatives taken to protect women from violence

- **PWDVA, 2005** only provides for **civil remedies for marital rape** and no criminal proceedings can be initiated against their perpetrator.
- **Bharatiya Nyaya Sanhita, 2023** criminalises sexual intercourse with a woman by deceitful means or making false promises.
- **RESPECT Women Framework:** Developed by UN Women and WHO in collaboration with ten other UN, bilateral, and multilateral agencies, to prevent and respond to violence against women and girls.
- **One Stop Centres** to assist women affected by violence, both in private and public spaces under one roof.

- It is a **Centrally Sponsored Scheme** formulated under the union Ministry of Women and Child Development (**MWCD**).
- **Objectives**
 - To provide **integrated support and assistance** to women affected by violence, both in **private and public space** under one roof.
 - To facilitate immediate, **emergency and non-emergency** access to a range of services including **medical, legal, psychological and counselling support** under one roof to fight against any forms of violence against women.
- **Target group**
 - It supports **all women including girls below 18 years of age** affected by violence, irrespective of caste, class, religion, region, sexual orientation or marital status.
 - For girls below 18 years of age, institutions and authorities established under Juvenile Justice (Care and Protection of Children) Act, 2000 and the Protection of Children from Sexual Offences Act, 2012 linked with the OSC
- **Funding: The Scheme will be funded through Nirbhaya Fund.** The Central Government will provide 100% financial assistance under the Scheme.

- 
- the remedies available to a survivor of marital rape are civil in nature and are limited to “**protection orders, judicial separation, and monetary compensation**” under The Protection of Women from Domestic Violence Act, 2005.

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DOWRY

Premise :-

- Most imp^t reason responsible for
-) sex-selective abortion
 -) girl infanticide
 -) Lack of investment in girl child education
 -) Domestic violence
 -) Overall skewed sex-Ratio

What constitutes Dowry ?

- :-
-) Any property or valuable security agreed to be given directly or indirectly by one party to a marriage to the other party to the marriage.
 -) It does not include **Mahr, Streedhan** (gifts given to girl so as to meet her financial needs).
 -) another custom is (tribal communities) : **Bride-price**
Yanadi of Andhra, Baria, Pagi, Damor of Gujarat)

Dowry Prohibition Act, 1961

- Dowry is considered a cognizable offence for the purpose of investigation.
 - Every offence under this Act is non-bailable and non-compoundable.
 - Burden of proof is on the accused
 - Makes the agreement for giving or taking dowry void
 - Dowry Prohibition Officers could be established by the State Government
 - Punishment with imprisonment or fine or both for:
 - Giving or taking or abetting the giving or taking of dowry
 - Demanding dowry
 - Advertisement related to dowry
- Mark these bullets**
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Cases Related to Section 316 of BNS which were decided in context of Section 406 of IPC.

1. Rashmi Kumar vs. Mahesh Kumar Bhada:

- The Supreme Court ruled that dishonestly misappropriating a wife's stridhan for personal benefit constitutes a criminal breach of trust.

Bullet Points on Section 80 BNS:

- A woman's death caused by burns, bodily injury, or under abnormal circumstances within seven years of marriage can be classified as a "dowry death."
- The death must be linked to cruelty or harassment by the woman's husband or relatives in connection with dowry demands.
- The term "dowry" carries the same meaning as defined in section 2 of the Dowry Prohibition Act, 1961.
- Individuals responsible for dowry deaths can be sentenced to a minimum of seven years in prison, with a possibility of life imprisonment.

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Reasons for Rise in Incidences of DOWRY

(1930's : 40% Incidence of dowry)
2000's : 90% , ,

- .) Acceptance of Culture of dowry both by men + women.
(as hierarchical wship b/w men + women is accepted by all & it re-enforces positive attitude towards dowry).
- .) Consumerist Culture has ↑sed the incidence of dowry.
- .) It is treated as Investment (Give + take culture)
- .) It is also identified with concept of 'Groom Price' which is determined based on 'mkt. value' (caste, edu, job, future prospects etc)
- .) Sanskritization wth practice of dowry;
- .) Practice of 'Caste endogamy': scarcity of grooms ⇒ ↑se in dowry.
- .) Lack of proper implementation of existing laws.
- .) Despite ↑se in women edu, problem of dowry still persist as ↑se in edu ⇨ corresponding ↑se in FLFP.
- .) Practice associated with social prestige of family

Way forward

- Promote concept of 'Adaish Marriage'
(Affluent people restrain from lavish wedding)
- Stigmatization of practice of Dowry
(through Naming + Shaming, mohalla committees)
- Efforts to ↑se FLFP ⇒ ↑se financial independence.
(eg: Investment on Infrastructure wrt accessibility to labor Mkt)
Promoting Rural manufacturing
(IHDS survey : Const' of Road ⇒ ↑se FLFP;
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- Use of Innovation - Diffusion framework.
(Identify key leaders / personalities in society ⇒ educate them wrt ill effects of dowry.
⇒ persuade them to lend their voice to issue of Dowry)
- Outlawing extravagant weddings
- Ensuring girl child gets share in ancestral property.

Harassment of women at workplace :-

↳ Recently 'SC' held that objective of act is

- protection
- prevention
- Redressal of complaints

↳ Provision :-
) Defines what constitutes Sexual Harassment

) Quid pro Quo

) Hostile work environment

) Section 354 (a) of IPC defines sexual Harassment

- physical contact
- Request for sexual favour
- sexually coloured remarks
- showing pornography
- phy, verbal, non-verbal conduct of sexual nature

↳ Defⁿ of aggrieved women

 ↳ Irrespective of age / status

 ↳ client, customer

 ↳ Domestic works

↳ Applicable to both formal + informal Sector

↳ Complaint to be filed within 90 days

↳ Completion of enquiry , , 90 days

↳ Mandated to take action within 60 days of submission of Report

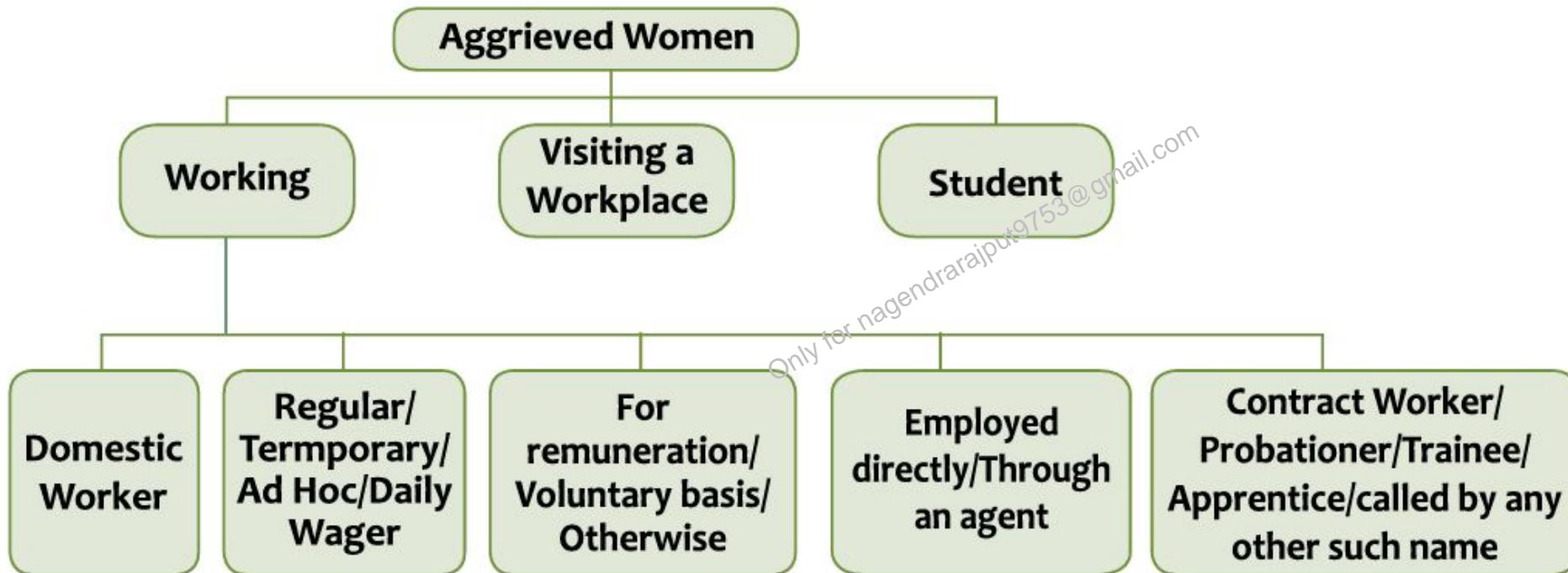
The only striking difference here is “Sexual Harassment” is now defined under Clause 74 of BNS, earlier it was defined under Section 354A of IPC.

Clause 74: (1) A man committing any of the following acts—

- physical contact and advances involving unwelcome and explicit sexual overtures; or
- a demand or request for sexual favours; or
- showing pornography against the will of a woman; or
- making sexually coloured remarks, shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.



All women working or visiting workplaces, for example:



ICC (formal sector)

- Requires employees to create ICC
- power of **Civil Court**
- **Presiding officer** : Women (at senior level)
Members : atleast 2 from legal field
or women cause
+ from NGO (women cause)
- Atleast **50% members** (WOMEN)

LCC (informal sector)

- local committee in each district by state govt district office/collector
- Additional local complaint committee at Block level.
- **Chairperson** : Women from eminent field
Member : 1 (taluk/block/ward)
Member : 2 (NGO)
(atleast 1 (women), 1 (legal)
+ (SC/ST/OBC/minority))
Member : ex-officio (social welfare)

-) prov^ for **false complaint**
-) offence is **bailable** + **non-cognizable**
-) Online platform : **SHe-Box**

④ SURROGACY :-

⇒ **Define** :- It is a practice where a woman give birth to a child for Intending couple with intention to hand over the child after birth to "Intending couple".

⇒ Provⁿ of Act :-

-) Prohibits commercial surrogacy.
-) Surrogacy is permitted when it is
 - ⇒ for Intending couple suffering from proven Infertility
 - ⇒ Altruistic
 - ⇒ Not for producing children for sale, prostitution / exploitation
 - ⇒ for any condⁿ / disease specified through regulation
 - ⇒ Gestational surrogacy
-) Registration of surrogacy clinics compulsory
-) Central / state govt will appoint authorities for evaluating & taking action against breach of provⁿ.

Types of Surrogacy

- **Altruistic surrogacy:** It involves no monetary compensation to the surrogate mother other than the medical expenses and insurance coverage during the pregnancy.
- **Commercial surrogacy:** It includes surrogacy or its related procedures undertaken for a monetary benefit or reward (in cash or kind) exceeding the basic medical expenses and insurance coverage.
 - It was first legalised in India in 2002 after which India became the 'rent-on-womb' capital of the world.
 - However, due to lack of proper laws and safeguards for the parties involved, multiple ethical legal challenges arose.
- Government has banned surrogacy for foreign nationals in 2015.

⇒ Eligibility Criteria for surrogate mother

- e-) Married women
) (25-35 yr) old
) have child of her own
) Surrogate only once
) possess certificate of medical / psy. fitness
) Willing woman

⇒ Eligibility Criteria for couples.

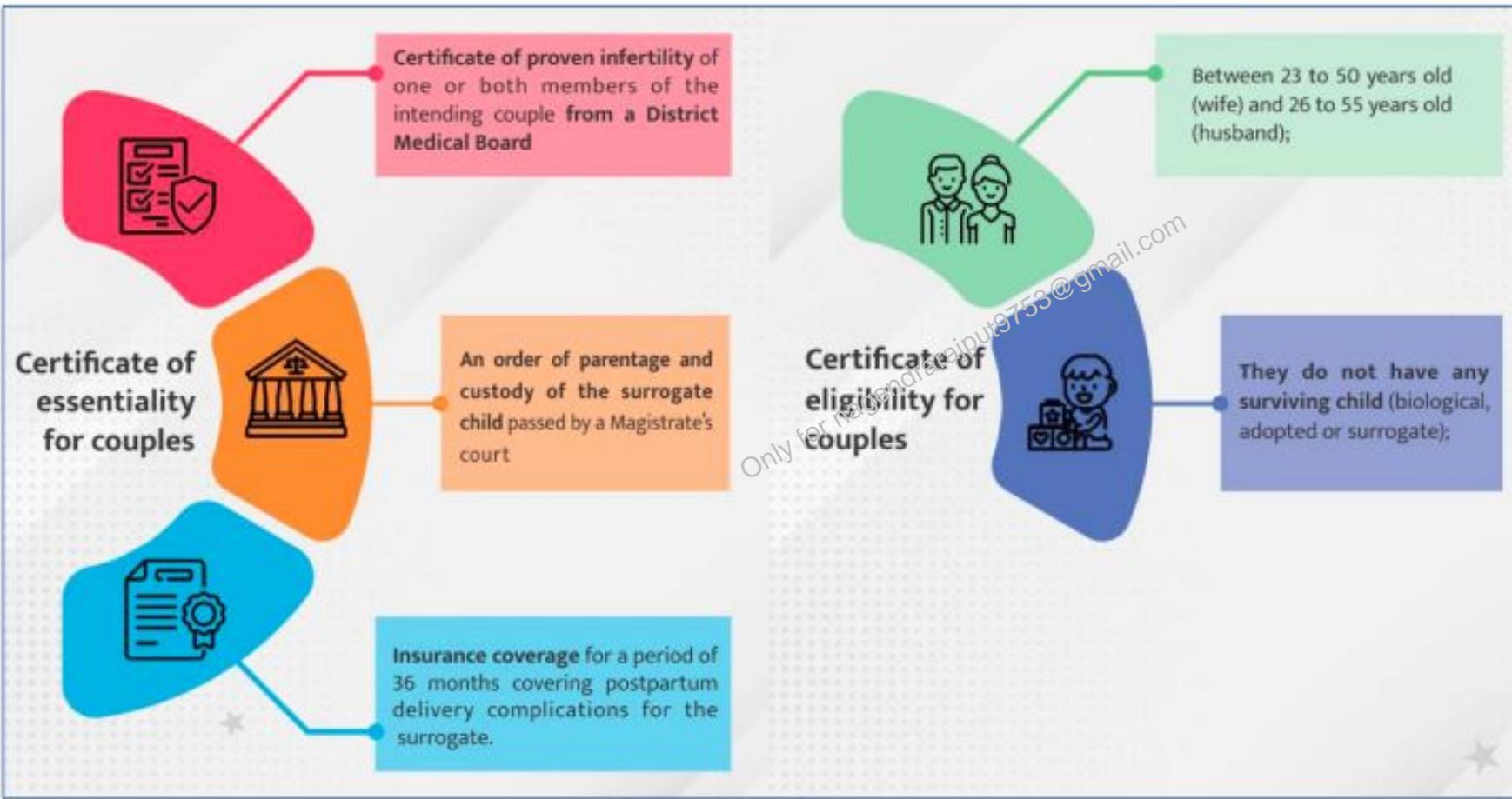
- e-) Certificate of essentiality
) Certificate of eligibility

⇒ Surrogate child will be biological child of Intending couple
⇒ abortion will require written consent of surrogate mother (+) authorisation from authority (MTP Act 1971)

⇒ Offences + penalties (30 yr jail (+) 10 lakh fine)

⇒ Intending women can also avail :-
 surrogacy

-) Indian
) Divorcee or widow
) 35-45 yr.



- 
- the expression "**District Medical Board**" means a medical board under the **Chairpersonship of Chief Medical Officer or Chief Civil Surgeon or Joint Director of Health Services** of the district and comprising of at least two other specialists, namely, the **chief gynaecologist or obstetrician and chief paediatrician** of the district;
 - intending couple who have a child and who is **mentally or physically challenged** or suffers from **life threatening disorder or fatal illness with no permanent cure** and approved by the appropriate authority with due medical certificate from a District Medical Board;
 - The **intending couple or intending woman shall not abandon the child**, born out of a surrogacy procedure, whether within India or outside, for any reason whatsoever, including but not restricted to, any genetic defect, birth defect, any other medical condition, the defects developing subsequently, sex of the child or conception of more than one baby and the like.
 - **No person shall establish any surrogacy clinic** for undertaking surrogacy or to render surrogacy procedures in any form unless such clinic is duly registered under this Act.

•The appropriate authority, under sub-section (1) or sub-section (2), shall,—

- when appointed for the whole of the State or the Union territory, consist of—
- **an officer of or above the rank of the Joint Secretary** of the Health and Family Welfare Department--Chairperson, ex officio;
- **an officer of or above the rank of the Joint Director** of the Health and Family Welfare Department--Vice Chairperson, ex officio;
- **an eminent woman representing women's organisation**--member;
- **an officer of Law Department** of the State or the Union territory concerned not below the rank of a Deputy Secretary--member;

an eminent registered medical practitioner--member:



•Appeal.—

- The surrogacy clinic or the intending couple or the intending woman may, **within a period of thirty days** from the date of receipt of the communication relating to order of **rejection of application, suspension or cancellation of registration** passed by the appropriate authority
- section 4, prefer an appeal against such order to—
 - the **State Government**, where the appeal is against the order of the appropriate authority of a State
 - the **Central Government**, where the appeal is against the order of the appropriate authority of a Union territory,

↳ Surrogate mother has [option to withdraw] her consent for surrogacy before implantation of embryo in her womb.

↳ Ⓛ of National Assisted Reproductive Tech^{g4} & Surrogacy Board.

- .) Minister-in charge of MHFW = chairman
- [FUNCTION] .) Advising Central Govt on policy matters related to surrogacy
- .) Review + monitor implementation
- .) Lay down code of conduct of surrogacy clinics
- .) set minⁿ std of phy. Infra, labs, expert manpower
- .) oversee performance of various bodies
- .) Supervise the functioning of state Assisted Rep. Tech^{g4} + Surrogacy Boards.



•What are the Provisions of the ART (Regulation) Act, 2021?

- The **ART (Regulation) Act 2021 provides a system for the implementation of the law on surrogacy** by setting up of the National Assisted Reproductive Technology and Surrogacy Board.
- The **Act aims at the regulation and supervision of ART clinics and assisted reproductive technology banks**, prevention of misuse, and safe and ethical practice of ART services.

The Act defines ART to include **all techniques that seek to obtain a pregnancy by handling the sperm or the oocyte (immature egg cell)** outside the human body and transferring the gamete or the embryo into the reproductive system of a woman. These include gamete donation (of sperm or egg), (IVF), and gestational surrogacy.

ART services will be provided through: (i) ART clinics, which offer ART related treatments and procedures, and
(ii) ART banks, which collect, screen and store gametes.



•Eligibility Criteria for Donors:

- A bank may obtain semen from **males between 21 and 55 years of age, and eggs from females between 23 and 35 years of age.**
- The woman may donate eggs only once in her life and not more than seven eggs may be retrieved from her. A bank must not supply gamete of a single donor to more than one commissioning party (i.e., couples or single women seeking services).
- ART procedures must be conducted only with the **written consent of the commissioning parties and the donor.**
- The commissioning party will be required to provide insurance coverage in favour of the egg donor (for any loss, damage, or death).
- A child born through ART will be **deemed to be a biological child of the commissioning couple** and will be entitled to the rights and privileges available to a natural child of the commissioning couple.
- A donor **will not have any parental rights over the child.**

Analysis of Act :-

- PROS :-**
- Provides appropriate safeguards (penalties) for registration of surrogacy clinics + ensures
 - Safeguards rights of surrogate mother (wrt abortion, withdrawal, pre + post natal care)
 - **Rights of child** : Abandonment of child (genetic | disability | gender) or changing of couple's social | marital status not allowed.
 - Ethical as it helps to alleviate the curse of infertility
 - Insurance coverage upto 36 months.

- Shortcomings :-
- If total ban will push Industry underground.
 - B.K Parthasarathi Vs Govt. of AP, rt. to decide wrt reproduction is a personal choice
 - Asevika Biswas Vs Uo I, court held rt. to reproduction is essential facet of Rt. to life (U/A 21)
 - Restricting surrogacy to heterosexual couples + particular age grp (exclusion of LGBT, single person, old couple) violation of Right U/A 21 + U/A 14.
 - Issue with def' of Infertility

- ④ Way forward :-
- .) Taking Care of Post-Partum Depression
 - .) Extending maternal benefits to both mothers
 - .) Take into Consideration 'Tokophobia'
 - .) Expanding the option of surrogacy to include commercial surrogacy (overtime)