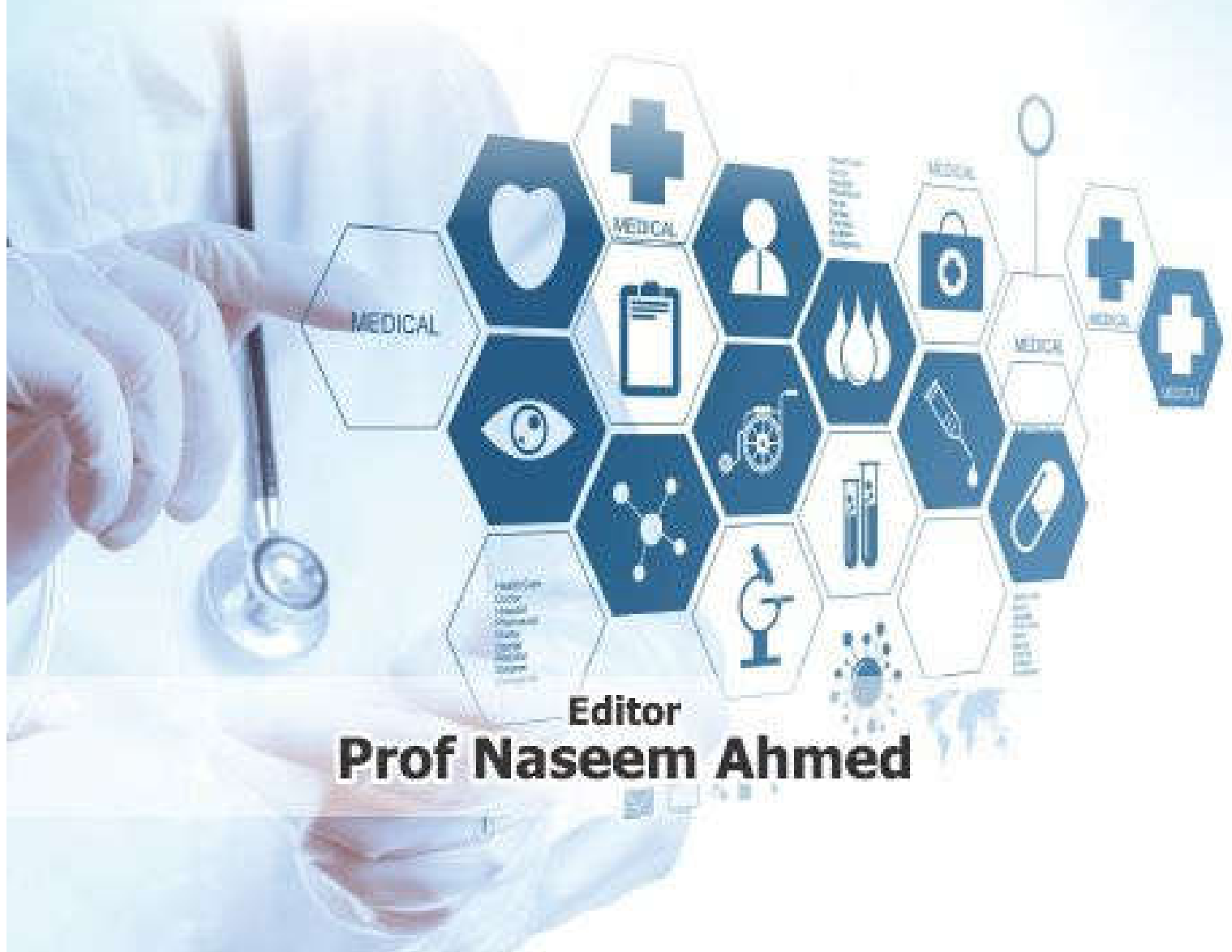


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Convergence of Health



Exploring Legal and Medical Perspectives



Editor
Prof Naseem Ahmed

CONVERGENCE OF HEALTH

Exploring Legal and Medical Perspectives

Editor

Prof. Naseem Ahmed

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Foreword

It is with deep pleasure and scholarly enthusiasm that I introduce this edited volume, *“Convergence of Health: Exploring Legal and Medical Perspectives.”* In an era defined by complex public health challenges—from global pandemics to the ever-evolving frontiers of biotechnology—our understanding of health must transcend disciplinary boundaries. This book exemplifies such a transdisciplinary endeavor by bringing together legal and medical scholarship in a coherent and mutually illuminating conversation.

This Book stems from the April 2024 International Conference at Integral University, Lucknow, where experts from diverse fields across India and abroad shaped its intellectual foundation through presentations and discussions. It stands out for its structured and systematic exploration of fifteen interconnected topics bridging law and medicine. It explores public health policy, emergency response, medical ethics, evolving legal norms in patient rights and negligence, and complex issues in mental health and reproductive law. The volume also addresses ethical concerns in organ donation, the rise of digital health and telemedicine, clinical trial regulation, and the legal frameworks ensuring fair access to medicines, especially in the context of TRIPS and domestic legislative schemes. Of special note are the chapters that foreground the rights of persons with disabilities and the legal intricacies of live-in relationships and informed consent.

It gives me immense pride to acknowledge Professor (Dr.) Naseem Ahmed, Dean of the Faculty of Law at Integral University, for his exemplary editorial stewardship of this volume. Each chapter has undergone a stringent peer-review process to ensure academic rigor, clarity of argument, and practical relevance. His scholarly foresight has brought together a rich tapestry of interdisciplinary perspectives, making this work a valuable resource for both research and pedagogy.

I also extend my sincere appreciation to the entire editorial team and contributing authors for their commitment to producing work that is both intellectually sound and deeply relevant to contemporary legal and medical challenges. Further, I am confident that the present Book on ‘Convergence of Health’ will prove to be essential reading for students of law and medicine, scholars, and professionals in public health and policymakers.

PROF. (DR.) PRITI SAXENA

Preface

When I began exploring topics for my Ph.D. research, several important issues came to mind. Among them, the **Right to Health** stood out as a subject of deep personal and academic interest. As I delved into the research, I came to realize that health is not only the most essential aspect of human life but also one of the most neglected areas in terms of governmental responsibility – both from clinical and legislative perspectives.

Eventually, I completed my Ph.D. on the topic "*Right to Health in India*". Since then, health has remained my favorite and most consistent area of research. Recognizing the interdisciplinary nature of health – encompassing law, medicine, policy, and human rights – we have continuously worked to build dialogue around this topic. This has included organizing a number of lectures and symposiums aimed at deepening the understanding of health in all its dimensions.

In continuation of these efforts, we organized the **International Conference on Convergence of Health: Exploring Legal and Medical Perspectives** on **April 27-28, 2024**, at **Integral University, Lucknow**. This collaborative initiative by the **Faculty of Law** and the **Faculty of Medicine and Health Sciences** brought together a wide range of participants, including legal experts, clinicians, researchers, policymakers, and students from across India and abroad. The diverse and dynamic discussions during this event laid the intellectual foundation for this book.

From approximately **40 research papers** presented at the conference, we have carefully selected **20 scholarly chapters** for inclusion in this edited volume. These contributions reflect a rich and thoughtful engagement with the evolving challenges and developments in the field of health, viewed through both legal and medical lenses.

Health is a dynamic subject, one that requires constant research and academic attention. I hope this book will serve as a valuable resource for researchers seeking to identify gaps in the existing literature, as well as for academicians involved in teaching **Health Law** and related interdisciplinary subjects.

I express my heartfelt gratitude to the **conference's Managing Committee** for their support and vision. I am especially thankful to **Dr. Sadaf Khan**, whose persistent encouragement and tireless efforts have been instrumental in bringing this book into publication.

Prof. Naseem Ahmed

Editor

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Beyond Procreation: Legal and Socio-cultural Obstacles to Reproductive Self-Determination in India

Mr. Ashraf Azmi¹

Dr. Yashfeen Ali²

Abstract

Reproductive self-determination in India sits at the crossroads of law, medicine, and culture i. e. an area where personal autonomy often contends with societal expectations and institutional control. This chapter traces the legal journey of reproductive rights, from constitutional promises under Article 21 to recent legislative interventions like the amended MTP Act, ART and Surrogacy laws. Yet, beyond the legal texts lies a more layered reality: one where stigma, gender norms, and structural inequalities continue to limit choice, especially for women, LGBTQ+ individuals, and non-traditional families. Through critical analysis and comparative insights, the chapter questions whether existing laws genuinely enable autonomy or merely regulate it within moral and social boundaries. It advocates for a shift, from a framework that permits reproduction under conditions, to one that affirms it as a right grounded in dignity and freedom. Ultimately, it invites a broader reimagining of reproductive justice, one that respects the person, not just the process.

Keywords: *Reproductive Rights, Autonomy, Article 21, Surrogacy Regulation, Medical Termination of Pregnancy, Human Dignity.*

The freedom to make decisions about whether, when, and how to have children lies at the core of bodily autonomy and human dignity. In India, however, reproductive rights have often been viewed through narrow lenses i. e. dominated by public health concerns, population control policies, and state-sanctioned morality. What remains inadequately addressed is the broader concept of reproductive self-determination, a framework that includes not only the right to avoid childbirth but also the right to access assisted reproductive technologies (ART), abortion services, and the ability to

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