

CONTENTS

	Page No
<i>Certificate</i>	
<i>Acknowledgement</i>	i
1. Introduction	1-23
<i>Chapter- 1</i>	
1. Delineating the Boundaries of Reproductive Rights of Women	24-65
1.1. Introduction.	24
1.2. Meaning of Reproductive Rights	27
1.3. Reproductive Rights – A Part of Human Rights	29
1.3.1. Right to Health, Reproductive Right and Family Planning	31
1.3.2. Right to Decide Number and Spacing of Children	33
1.3.3. Right to Marry and Found a Family	34
1.3.4. Right to be Free from Gender Discrimination	36
1.3.5. Right to be Free from Sexual Assault and Exploitation	38
1.3.6. Right to Modify Custom that Discriminate Against Women	39
1.3.7. Right to Life, Liberty and Security	40
1.3.8. Right to Privacy	41
1.3.9. Right not to be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment	43
1.3.10. Right to Enjoy Scientific Progress and to Consent to Experimentation	43
1.4. Women’s Reproductive Health Needs and Health Care	45
1.4.1. Gender Inequality	46
1.4.2. Health Care Programmes	48
1.4.3. Pre-natal and Post-natal Care	49
1.4.4. Medical Facilities	50
1.4.5. Reproductive Health of Adolescents	52
1.4.6. Population Explosion	52
1.5. Expanding Boundaries of Reproductive Rights	53
1.6. Conclusion	64

Chapter- 2

2. Women's Health and Medical Technologies Emerging Challenges	66-107
2.1 Introduction	66
2.2 Reproductive Methods and Technologies	69
2.2.1. Contraceptives	69
2.2.2. Abortion	74
2.2.3. Sex Selective Test	76
2.2.4. Artificial Insemination	82
2.2.5. In-Vivo Fertilization	84
2.2.6. In-Vitro Fertilization	84
2.2.7. Embryo Transfer	86
2.2.8. Egg and Sperm Donation	87
2.2.9. Surrogacy	89
2.2.10. Human Cloning	91
2.2.11. Sterilisation Operation	92
2.3 Overview	95
2.4 Conclusion`	106

Chapter- 3

3. Ethical Dilemmas and Legal Issues in case of Reproductive Rights	108-165
3.1. Introduction	108
3.2. Issues on Artificial Insemination (AI)	111
3.2.1. Adultery and Artificial Insemination	111
3.2.2. Legitimacy of Assisted Reproductive Technology (ART) Child	113
3.2.3. Artificial Insemination and Consummation	116
3.2.4. Right to Know of Assisted Reproductive Technology Child	117
3.2.5. Issues on Liability for Negligence in Assisted Reproduction	119
3.2.6. Artificial Insemination and the Donor	121
3.2.7. Liability towards a Child	126
3.2.8. Duties of Physician	127
3.2.9. Artificial Insemination and Unmarried Person	128
3.3. Legal and Social Implications on Surrogate Motherhood	131
3.4. Controversies on Human Cloning	139

3.5. Birth Control Measures and its Effects on Women	146
3.6. New Horizon in cases of Sterilisation Operation	151
3.7. A Socio-Legal Outlook on Abortion	153
3.8. Legal and Moral Questions on Pre-Natal Diagnosis	161
3.9. Conclusion	165

Chapter- 4

4. An Analytical study of Laws, Policies and Programmes for the Protection of Reproductive rights	166-210
4.1 Introduction	166
4.2 International Concern on Reproductive Rights	167
4.3 National Concern on Reproductive Rights	172
4.3.1. Constitution	172
4.3.2. Indian Panel Code Provisions	175
4.3.3. The Medical Termination of Pregnancy Act, 1971	178
4.3.4. Pre-natal Diagnostic Techniques Act 1994.	182
4.3.5. Maternity Benifit Act, 1961	187
4.3.6. Five Year Plan	189
4.3.7. National Population Policy, 2000 (NPP)	192
4.4 Implementation of the International Instruments	196
4.5 Reasons for lack of Implementation	201
4.5.1. Gender Discrimination	201
4.5.2. Failure of Pre- Conception and Pre-natal Diagnostic Techniques Act	203
4.5.3 Reproductive and Child Health Policy	205
4.5.4. Health Programmes and its Implementation	205
4.5.5. Inadequacy of Law to Protect Illegal Abortion	207
4.6 Conclusion	209

Chapter-5

5. Role of the Judiciary in Protection of Reproductive Rights of Women	211-253
5.1 Introduction	211
5.2 New Emerging Issues on Reproductive Rights and the Role of the Judiciary	213
5.2.1. Response of Judiciary on Gender Issue	213

5.2.2 Justification of right to procreation	215
5.2.3 Right to Abortion	218
5.2.4 Implementation of the Pre-Conception and Pre-Natal Diagnostic Technique Act (PNDT)	219
5.2.5 Reproductive Health and Abortion services	221
5.2.6 Changing Outlook towards Abortion Right	222
5.2.7 Liability in case of Medical Negligence	224
5.2.8 Right to Birth and Right to Life of Foetus	230
5.2.9 Right to privacy	234
5.2.10 Consent of Husband in Relation to Family Planning	237
5.2.11 Artificial Insemination and the Judiciary	240
5.2.12 Landmark Judgments on Sterilisation Operation	246
5.2.13 The Judicial Activism in the Surrogate Motherhood	249
5.3 Conclusion	251
<u>Chapter-6</u>	
6. Conclusion and Suggestions	254-289
Bibliography	290-302
Table of Cases	303-304
Addendum and Corrigendum	305-351