

END TERM EXAMINATION

NINTH SEMESTER [LLB] DECEMBER-2023-JANUARY 2024

Paper Code: LLB-517

Subject: Health Care Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

- Q1 Write Short notes on the followings. (5x5=25)
- Are doctors and Hospital bound to provide emergency health care to patient in emergency times?
 - Articles 41,42 and 47 as basis to evolve right to health and health care.
 - Explain the legal safeguards available for patient's regarding their confidentiality in health matters.
 - Error of Judgement and Gross Negligence.
 - Salient features of the Drugs and Cosmetic Act, 1940

PART-B

UNIT-I

- Q2 Explain the provisions of international covenant mandating right to health with special emphasis on Alma Ata Declaration on Health for All. (12.5)
- Q3 Critically examine the Constitutional provisions and judicial approach relating to right to health and health care. Substantiate your answer with help of case law. (12.5)

UNIT-II

- Q4 Discuss the salient features of the Indian Medicine Central Council Act, 1970 to regulate Indian Systems of Medicine including Ayurveda, Sidha and Unani system of medicine. (12.5)
- Q5 Explain the legal provisions to check spurious, substandard and misbranded drugs? What kinds of remedies are available against misleading and false advertisement relating to effects of drugs and cure of ailments?

UNIT-III

- Q6 What is medical negligence? What are available remedies for victims of medical negligence? Elucidate your answer with help of case law. (12.5)
- Q7 Explain the differences and consequences of wrongful diagnosis and negligent diagnosis.

UNIT-IV

- Q8 What are civil remedies available to victims of medical negligence under Consumer protection Act,2019. Discuss with help of judicial decision. (12.5)
- Q9 "A Medical practitioner cannot be held responsible for every mishap or death during medical treatment but only in case of gross negligence." Explain with help of guidelines issued in Dr. Suresh Gupta v. Govt. of Delhi case.

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NINTH SEMESTER [LLB] FEBRUARY 2023

Paper Code: LLB-517

Subject: Health Care Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 which is compulsory. Select one question from each unit.

PART-A

(5x5=25)

- Q1 Write short note on the following:
- (a) Relation between right to health and right to confidentiality
 - (b) The Drugs and Cosmetic Act, 1940
 - (c) International Code of Medical Ethics
 - (d) Difference between Error of Judgment and Gross Negligence
 - (e) Difference between wrongful diagnosis and negligent diagnosis

PART-B

UNIT-I

- Q2 "Health as a human right creates a legal obligation on States to ensure access to timely, acceptable and affordable health care of appropriate quality." In the light of this statement give a brief account of efforts made to address the issue of right to health by various international organizations. (12.5)
- Q3 "The expression 'life' in Article 21 means a life with human dignity and not mere survival or animal existence". Examine the role of judiciary in protecting the right to health in India. (12.5)

UNIT-II

- Q4 Examine the obligations imposed upon the medical professionals under Pre Conception and Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. Scrutinize the role of this Act in curbing female feticide? (12.5)
- Q5 Explain the salient features of Transplantation of Human Organs Act, 1994. (12.5)

UNIT-III

- Q6 "A surgeon with shaky hands under fear of legal action cannot perform a successful operation and a quivering physician cannot administer the end-dose of medicine to his patient." In the light of this statement, briefly explain essential ingredients of Medical Negligence with the help of decided case laws. (12.5)
- Q7 "Every human being of adult years and sound mind has a right to determine what should be done with his body; and a surgeon who performs the operation without his patient's consent, commits an assault for which he is liable in damages." Explain the role of consent in medical negligence with the help of decided case laws. (12.5)

UNIT-IV

- Q8 Elucidate the various remedies available in case of medical negligence under Law of Crimes and Law of Torts. (12.5)
- Q9 Analyze the role of Consumer Protection Law in determining the liability of doctor for medical negligence. Discuss with the help of decided case-laws. (12.5)

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Please write your Exam Roll No.)

Exam Roll No. 04217798514

END TERM EXAMINATION

NINETH SEMESTER [LLB] NOVEMBER-DECEMBER 2018

Paper Code: LLB-517

Subject: Health Care Law

Time: 3 Hours

Maximum Marks: 75

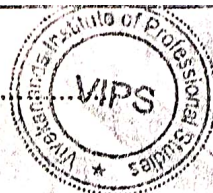
Note: Attempt any five questions. All questions carry equal marks.

- Q1 "Right to health is integral to right to life and the government has constitutional obligation to provide health facilities". Explain,
- Q2 "Under International law, there is right not merely to health care but to the much broader concept of health." Critically examine in view of substantive provisions under international covenant.
- Q3 Explain the salient features PCPNDT Act, 1994 to stop female feticides. On what account the Act needs appropriate amendment to check its misuse.
- Q4 Elucidate the International code of Medical Ethics for medical professional and compare it with the Indian provisions.
- Q5 Explain the nature, scope and salient features of the Drugs and cosmetic Act, 1940.
- Q6 Write short notes on:-
(a) Wrongful Diagnosis
(b) Negligent Diagnosis
- Q7 Define medical negligence. Examine the liability of the medical professional under law of torts for medical negligence.
- Q8 With the help of judicial interpretation examine the liability of doctor under IPC and the consumer protection law.

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Please write your Exam Roll No.

Exam Roll No. 23



END TERM EXAMINATION

NINTH SEMESTER [LLB] DECEMBER 2014

Paper Code: LLB-507(J)

Subject: Health Care Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

- Q1 (a) The SC guidelines regarding the right of injured person to get medical treatments.
(b) Alma Declaration on 'Health For All by 2000'.
(c) Examine the dichotomy between Rights as confidentiality of patient and Right of individual to be safeguarded from any threat to his/her health?
(d) Distinguish between wrongful diagnosis and negligent diagnosis.
(e) Code of Medical Ethics

(5x5=25)

PART-B UNIT-I

- Q2 'Right to Health' is inseparable from 'Right to life' and "Right to Medical facilities" is part and parcel of Right to Life". Critically examine in lights of specific provisions of part III and Part IV Indian Constitutions and cite case law. (12.5)
- Q3 Give a brief account of the Concern of International communities and efforts made by it to address the issue of Right to Health through treaties and declaration? (12.5)

UNIT-II

- Q4 Explain the salient features of the Indian Medicine Central Council Act, 1970? Is a cross practice permitted under Indian Law and Cite case law. (12.5)
- Q5 Critically examine the salient features of PNDT Act? Suggest measures to check female foeticide? Substantiate your answer with help of case law. (12.5)

UNIT-III

- Q6 What is meant by medical negligence? What are the available remedies for victims of medical negligence. (12.5)
- Q7 Critically examine the recent trends of the judiciary in the matters pertaining to medical negligence and deficiency in medical services? (12.5)

UNIT-IV

- Q8 What are the scope of applicability of Consumer Protection Act and procedure in dealing with the cases of medical negligence? Cite Supreme Court guidelines and judicial trends? (12.5)
- Q9 Write short notes on the following:-
(a) Guidelines for prosecuting Doctors under Criminal law (6)
(b) Remedies for Medical negligence under law of Tort. (6.5)
