

2024

LAW

Health Law

Paper : 406

(Honours Paper-II)

Full Marks : 80

Time : 3 Hours

The figures in the right-hand margin indicate full marks.

Candidates are required to give answers in their own words as far as practicable.

Answer **Question No. 1** and any **five** from the rest.

1. Answer any **ten** questions: 2×10=20
- i) 'Right to life', does not include, 'Right to die', was held in which recent case?
 - ii) What are the basic ingredients of public health?
 - iii) Who are the persons competent to transfer organs under the Human Organs and Tissue Transplantation Act?
 - iv) What is double placebo effect?
 - v) What is 'Bolam Test'?
 - vi) What is the recent amendment in the PCPNDT Act. 1994? Mention the relevant case law for the Purpose of the amendment.

[Turn over]

- vii) Mention two basic objectives of the Medical Council of India Act. 2.
- viii) Give two rights provided to the disabled persons under the provisions of the Rights of the Persons with Disabilities Act, 2016.
- ix) Write two essential conditions mentioned under the West Bengal Clinical Establishment Act for registration of a clinical establishment.
- x) What are the various kinds of Euthanasia practised across the world?
- xi) Choose the case where it was stated that the directive principles cannot, in the very nature of the things be enforced in a court of law, but it does not mean that the directive-principles are less important than fundamental rights or that they are not binding upon various organs of the state.
- a) Kunal Shah vs AMRI
 - b) M.C. Mehta vs UOI.
 - c) Indian Medical Association vs V.P. Shanto
 - d) Akhil Bhartiya Soshit Karmachari Sanohg vs VOI.
- xii) Write two salient features of the Drugs and Cosmetics Act.

2. Critically examine the role played by the Constitution of India in establishing the right to health as an integral part of Right to Life under Article 21 of the Constitution of India, illustrating various other provisions of the Constitution and relevant case laws on the topics. 12
3. During Covid 19 pandemic, Mr. P accepts himself voluntarily for a clinical-trial in order to test a vaccine. After insertion of the vaccine, Mr. P's health status deteriorates. He requests the doctors to remove him from the trial, but he died subsequently. Family members of Mr. P. file a petition before the competent authority claiming compensation from the pharma-company and the doctors responsible for the trial. Resolve the issue with reference to the provisions of various ethical norms to be taken into consideration for a clinical trial with relevant case-laws. 12
4. The Human Organ and Tissue Transplantation Act is the legislation related to donation, removal, prevention and control of commercial dealing of human organs and tissues in India. Critically demonstrate the loopholes in the legislation and also recommend necessary amendments in the legislation for catering the needs of the Indian medical framework. 12

5. What is euthanasia? Illustrate the different kinds of euthanasia. Critically examine the concept of euthanasia as adopted in different parts of the world with reference to suitable legislations and case-laws, wherever applicable. 12
6. Distinguish between the 'Public health and the Private health' framework in India and demonstrate the role played by the private and public health sector in India with reference to various governmental policies. 12
7. Miss X is 17 years old. While she was travelling from Kalyani to Kolkata, she was gang-raped by a group. She is suffering from mental trauma and is pregnant. She wants to abort the child. Suggest Miss X the relevant provisions of law, if her pregnancy is of 6 weeks. What will be the scenario if her pregnancy is 24 weeks? 12
8. Dwell upon the objectives, functions and duties embodied under the provisions of the West Bengal Clinical Establishment Act. 12
9. What is Medical Negligence? Discuss the various legal provisions and tests laid down under the Indian legal framework to establish medical negligence of Doctors. 12