

2020**LAW****Honours Paper-II****Health Law****Paper : 406****[NEW SYLLABUS]**

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 of the following:

2×10=20

- i) What is meant by a right based approach to health?
- ii) What is meant by “Right to Health” under Article 21 of the Constitution of India?
- iii) How is Conflict managed in Health and Care?
- iv) Do we have an international mechanism for implementation of Health policies to protect Human Rights?

[Turn over]

- v) Whether right to health is fundamental human right? Justify.
 - vi) Define the term ‘Medicine’ under the Medical Council of India Act, 1956.
 - vii) Whether ‘right to life’ under Article 21 includes ‘right to health’? Mention case laws.
 - viii) Mention the Article of the Constitution of India relating to health.
 - ix) What is Clinical Trial?
 - x) What is Medical Ethics relating to health?
 - xi) Comment on Medical Negligence vs right to health.
 - xii) What is the concept of “Euthanasia”?
2. Discuss the development of Public Health Law with special reference to National Health Policy 2002 and 2017 in India. 12
 3. What is the concept of ‘Fair Clinical Practice’? Discuss the duties of Medical Practitioners in the light of Indian Medical Council Act, 1956. 3+9
 4. Discuss briefly the judicial attitude towards the concept of ‘Euthanasia’ and its validity. Write the salient features of the West Bengal Clinical Establishment (Registration, Regulation and

Transparency) Act, 2017. 4+8

5. Discuss briefly the origin and development of Health Law in India with special reference to the guidelines of the World Health Organization (WHO). 12

6. Write short notes on any **four** of the following:

3×4=12

- a) Health Care Rights of Children
- b) Public Health Law and its challenges
- c) Right to Health and DPSP
- d) Duties of the Health Care Professionals and Consumer Protection Laws.
- e) Objects of Transplantation of Human Organ Act, 1994.

7. Discuss the judicial response against the Medical Negligence under the Law of Torts and Law of Crimes. 12

8. Discuss briefly the salient features of Medical Council Act with special reference to controlling of public health in the light of Human Rights perspectives. 12

9. What are the grounds of abortion under the Medical Termination of Pregnancy Act, 1971? What are the

amendments made in the Medical Termination of Pregnancy Act, 2002 and in the Medical Termination of Pregnancy Regulation, 2003, to meet the challenges faced by the old enactments?

4+8=12
