

2023

LAW

Health Law

Paper : 406.

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: $2 \times 10 = 20$

- i) What is Public Health?
- ii) In which case the right to be admitted in hospitals was declared as Right to Health under Article 21 of the Constitution of India?
- iii) Write the procedure for transplant of human organ from a deadbody which is laying in the prison or has not been claimed by anyone in brief.
- iv) What are the different stages of clinical trials under the Indian legislations?
- v) What are the defences available to the doctors, when he is charged with a case of Medical Negligence?

- ~~vi)~~ Can the information on whether a specific women underwent medical termination of pregnancy in a hospital in the past, be obtained?
- ~~vii)~~ What are the remedies available to a person, if he files a complaint against a doctor for professional misconduct under the Medical Council of India Act, 1956?
- ~~viii)~~ What is the quantum of reservation available to a person who is mentally sick under the Rights of Persons with Disabilities Act, 2016?
- ~~ix)~~ What are the penal provisions mentioned under the West Bengal Clinical Establishments Act, 2017, for violating the provisions of the enactment?
- x) In which case the doctrine of double effect, in case of euthanasia was first applied?
- ~~xi)~~ What does the 'but-for' test mean in medical negligence?
- xii) Which kind of euthanasia has been allowed under the Indian legal system?

~~2)~~ "Right to Life, includes Right to Health"—critically examine the statement with reference to relevant provisions of the Indian Constitution and case laws.

3. Examine the basic objectives laid down under the West Bengal Clinical Establishments Act, 2017.

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4. Differentiate between the concept of Public health and Private Health under the Indian legal framework.

12

5. What are the provisions related to women health under the different labour legislations in India?

12

6. Can a person treated in a government hospital claim relief for medical negligence under the Consumer Protection Act? If yes, describe in detail the case law by virtue of which a person under the treatment of a government hospital can avail such relief.

12

7. What was the object of the Medical Termination of Pregnancy Act? Is the enactment able to fulfil the objectives with which it was implemented?

12

8. What is Euthanasia? What are the various kinds of Euthanasia? Which kind of it has been approved under the Indian legal framework?

12

9. What are the provisions under the Human Organ Transplantation Act for regulating the commercial dealing with human organs under the enactment?

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