

BA.LL.B (HONS.) – X-SEMESTER

LAW AND MEDICINE

COURSE CODE:

Course Objective: Law and medicine, health issues have become recurrent in the national and international arena. Public health is a quintessential matter of law and policy in all the nations and with emerging issues daily, the main objective of this Course is to throw a light on the evolving jurisprudence with ethico-socio-legal and political issues pertaining to law and medicine

Course Outcomes:

1. To understand the national and international perspectives of law and medicine
2. To analyse the Constitutional provisions enlightening the law and medicine aspects
3. To understand the ethico-legal issues in the interface between law and medicine
4. To recognise the needs of the society concerning public health issues
5. To identify and able to do research on emerging issues of law and medicine

UNIT-I: Introduction to Law and Medicine, Constitutional Perspectives- Health as fundamental right, DPSPs; Contractual perspectives, Criminal Law perspectives-offence against persons, offences against public health and safety; Labour Law perspectives-Hospital as an Industry, application of labour laws to hospitals; Code of Medical Ethics-duties of doctors and rights of patients, Code of Ethics Regulations 2002

UNIT-II: Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine; World Medical Association's (WMA); The Declaration of Geneva, 1948; Access to health and medicines- Doha Amendment to TRIPS

UNIT-III: Legislative and Judicial perspectives of medical profession; Basic principles underlying the relationship-duty of care, standard of care, breach OD duty, concept of vicarious liability, informed consent, confidentiality; Concept of Medical Negligence- development of medical negligence under torts and criminal laws, Consumer Protection laws, Judicial trends; Legal proceedings against doctors, defences available; expert opinions in medico-legal cases; Legal aid and advice to doctors

UNIT-IV: Law and medicine and emerging issues-medical experimentation and clinical trials, informed consent, protection of vulnerable groups and legal measures; Organ transplantation, Medical termination of pregnancy-socio-legal and ethical issues; Prenatal diagnostic techniques-abuse of technology and regulation PCPNDT Act, 1994; Surrogacy laws; Euthanasia-Ethico-legal issues

UNIT-V: Other emerging issues in law and medicine- Impact of Globalisation on Health and Medicare, Mental health issues; Use of forensic science in investigation; DNA profiling; Medical waste and management; Regulation of spurious drugs, Sex reconstruction surgery-legal implications; Human tissue ownership, IP issues in access to medicine

Text Books:

1. K. Kannan, Medicine and Law, Oxford University Press, 2014

2. Nandita Adhikari, *Law & Medicine*, Central Law Publications, Fourth Edition Reprint 2019
3. Feroz Ali, *The Access Regime: Patent Law Reforms for Affordable Medicines*, Oxford University Press, 2016