

NIRMA UNIVERSITY
Institute of Law
BA.,LL.B (Hons) and B.Com.,LL.B (Hons) Programmes
Academic Year 2018 – 19
Institute Elective

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Course Code	2IE1023
Course Title	Medical Law

Course Learning Outcomes (CLO):

At the end of the course, students will be able to:

1. Identify and express the scope and significance of medical law.
2. Apply the rules of medical law in a qualified manner and to identify possible solutions to biomedical legal problems.
3. Analyze and discuss in a constructive way the legal rules of medical law.

Syllabus:

Teaching Hours: 60

Unit I. Introduction to Law and Medicine

18 Hours

- 1.1 Constitutional Law
 - 1.1.1 Health as a fundamental right
 - 1.1.2 Directive principles for state
 - 1.1.3 Judicial trend
 - 1.1.4 Health as a Human rights
- 1.2 Criminal Law
 - 1.2.1 Offences affecting public health and safety
 - 1.2.2 Offences against persons
- 1.3 Labour Laws
 - 1.3.1 Hospital as an industry
 - 1.3.2 Labour law applicable to hospitals
- 1.4 Code of Medical Ethics
 - 1.4.1 Development of concept of medical ethics



1.4.2 Duties of doctor vis-à-vis rights of the patients

1.4.3 Code of Ethics Regulations, 2002

Unit II. Legislative and Judicial Perspectives of Medical Profession

25 Hours

2.1 Basic principles underlying the relationship:

2.1.1 Duty of care, standard of care, breach of duty

2.1.2 Concepts of vicarious liability

2.1.3 Informed consent

2.1.4 Confidentiality

2.2 Concept of Medical Negligence

2.2.1 Origin of concept

2.2.2 Consumer Protection Act

2.3 Judicial Trends in medical negligence

2.3.1 Before I.M.A v/s V.P. Shantha

2.3.2 After I.M.A v/s V.P. Shantha

2.4 Legal proceedings vis-a vis medical professionals

2.4.1 Legal proceedings against doctors

2.4.2 Defenses available to doctors

2.4.3 Documentation and record keeping

2.4.4 Reacting an emergencies, mishaps, accidents

2.4.5 Medico legal matters and role as an expert witness

2.5 Legal aid and advice to doctors

2.5.1 Guidelines regarding documentation, facing the legal problems

2.5.2 Reacting an emergencies, mishaps, accidents

Unit III. Law and Medicine and Emerging Issues

17 Hours

3.1 Medical experimentation and clinical trials


3.2 Organ transplantation

3.3 Medical termination of pregnancy: socio legal ethical issues

3.4 Pre-natal diagnostic technique: Abuse of technology and its impact

3.5 Artificial insemination and surrogacy: socio ethical issues

3.6 Euthanasia and physician assisted suicide


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Suggested Readings:

1. Nandita Adhikari (2015). *Law and Medicine*. Allahabad: Central Law Publications;.
2. Witthaus R A (2017). *Medical Jurisprudence. Forensic Medicine and Toxicology*. New York: Forgotten Books.
3. Bag R. K. (2015) *Law of Medical Negligence & Compensation*. New Delhi: Eastern Law House.
4. Mukherjee Siddhartha. (2015). *The Laws of Medicine*. New Delhi: Simon & Schuster.
5. Gopalakrishnan Bismi & Khaute Mercy. (2016). *Reflections on Medical Law and Ethics in India*. New Delhi: Eastern Law House.

L= Lecture, T= Tutorial, P= Practical, C= Credit

Wish

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