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**PRESIDENCY UNIVERSITY
BENGALURU**

**SCHOOL OF LAW
END TERM EXAMINATION - JUN 2023**

Semester : Semester VI - 2020

Course Code : LAW314

Course Name : Sem VI - LAW314 - Health Law

Program : BAL,BBL&BCL

Date : 21-JUN-2023

Time : 1.00PM - 4.00PM

Max Marks : 100

Weightage : 50%

Instructions:

- (i) *Read all questions carefully and answer accordingly.*
 - (ii) *Scientific and non-programmable calculator are permitted.*
 - (iii) *Do not write any information on the question paper other than Roll Number.*
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ANSWER ALL THE QUESTIONS

(10 X 10 = 100M)

1. Should people with terminal illnesses be free to choose when and how they die? Discuss the problems with the current law on assisted dying.
(CO5) [Comprehension]
2. National Medical Commission replaced a large 108-member general body of the MCI, which was not conducive to an excellent regulatory organizational structure, with a leaner and broad-based team. Explain your ideas with regard to the current legal framework governing the medical profession in India.
(CO5) [Application]
3. Do the provisions under the Consumer Protection Act, 2019 exonerate doctors from liability for defective services and negligence of duty? A careful perusal of the law reveals that the term 'service' includes services of any description made available to potential users and it encompasses the medical profession and health care service as well. Elaborate in the light of the Supreme Court case Indian Medical Association v. V.P. Shantha & Others.
(CO2) [Comprehension]
4. Explain whether the declaration of Alma Ata is still relevant to primary health care.
(CO3) [Comprehension]
5. Discuss the importance and the salient features of The Persons with Disabilities Act, 1995 and 2016.
(CO3) [Comprehension]
6. Discuss the highlights of the National Health Policy, 2017 and its importance in building a healthy India.
(CO5) [Comprehension]
7. Examine whether organ transplant laws are compatible with the Right To Health.
(CO4) [Comprehension]

8. Explain the rationale behind amending the Medical Termination of Pregnancy Bill. Is the Bill rights based legislation? Comment.

(CO5) [Comprehension]

9. Critically analyse how India's new Surrogacy Regulation Bill falls short of protecting bodily autonomy and guaranteeing reproductive liberty.

(CO4) [Application]

10. The element of consent is one of the critical issues in medical treatment. The patient has a legal right to autonomy and self determination which is enshrined in Article 21 of the Indian Constitution. They can refuse treatment except in an emergency situation where the doctor need not get consent for the treatment. The consent obtained should be legally valid. Explain the liability of a doctor who treats without valid consent.

(CO3) [Application]