



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A.,LL.B. (HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER (VIII) – ACADEMIC YEAR : .....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T/P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>BL803.6 (CONSTITUTIONAL LAW, OPTIONAL PAPER- II)</b>	<b>MEDIA AND HEALTH LAWS I</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>	<b>4</b>	

- A. CODE AND TITLE OF THE COURSE: BL803.6 (CONSTITUTIONAL LAW, OPTIONAL LAW- II), MEDIA AND HEALTH LAWS I**
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: SAHEB CHOWDHURY**
- E. COURSE INSTRUCTOR: SAHEB CHOWDHURY**

## **1. COURSE OBJECTIVES:**

One of the prerequisites of a dignified life is good health. Health is an essential determinant factor in socioeconomic condition of an Individual. Further, socioeconomic factors also determine the health condition of Individuals. Poverty, marginalization and inequalities severely affect health of people. This further affects their capacity of enjoying other human rights. Therefore, health has been recognized as a Fundamental Right within the meaning of Right to Life under Article 21 of the Constitution read with various Directive Principles of States Policies in various decisions of the courts. Further, health has been recognised as a human right under various international Human Rights Laws. Therefore, this course has been designed to introduce interested students to Right to Health both within the domestic and international human rights framework. The students are then also introduced to various health laws, legislations and the healthcare system in India. The students are then introduced Specific ethical issues within health like Euthanasia, Medical termination of Pregnancy etc. The course then concludes by introducing students to Competing theoretical positions in Medical Ethics and to the legal framework dealing with Medical ethics.

## **2. TEACHING METHODOLOGY:**

The National Law University, Assam, apart from class instructions, also encourages students for self-learning. Students are expected to study not only the substantive laws written in books, but also study the various decided cases to understand the law in action. They are also provided conceptual and philosophical tools to develop critical and independent thinking capabilities. Following method shall be adopted to facilitate learning of this paper:

- Lecture and Instructions by Faculty
- Group Discussion
- Case study
- Presentation by the Students

## **3. COURSE LEARNING OUTCOMES**

On successful completion of this course students will have a thorough understanding of right to health under domestic and international Human Rights laws. Students will also have a detailed knowledge of the laws relating to health and healthcare systems in India including various legislations in this field. Further, they will be equipped with philosophical tools to deal with various specific ethical issues in health and be acquainted with various theoretical positions and legislative mechanisms with respect to medical ethics. A diligent student should, therefore, on completion of this course have an advantage in beginning a career within the domain of health laws to be able to then proceed into having expertise this field later in their lives.

#### 4. COURSE EVALUATION METHOD

The Course shall be assessed out of 200 marks. The impetus is on Continuous Assessment. The Evaluation scheme is as follows:

Internal Assessment 70% (140 marks)

Semester End Examination 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

#### 5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

##### MODULE I

###### **Right to Health:**

What is Right to Health?

Constitution and Right to Health in India.

Right to Health Under International Human Rights Laws.

##### MODULE II

###### **Introduction to Health Laws and Healthcare system in India:**

Specific Laws relating to Health: Indian Medical Council Act, 1956 (And Amendments), Indian Medical Council (professional conduct, etiquette and ethics Regulations) 2002, Indian Medical Degrees Act, Laws Relating to Drugs and Cosmetics, The Mental Healthcare Act, 2017, Rights of Persons with Disabilities Act, 2016, Rehabilitation Council of India, Consumer Protection Laws and Law, Health and Law of Torts, Health and Criminal Law, Health and Insurance, National Health Policy, 2017.

Rights and Duties of patients and Healthcare Providers.

## **MODULE III**

### **Specific Health Law and Ethical issues:**

Assisted Reproduction, Reproductive Technology (Surrogacy), Euthanasia, Medical Termination of Pregnancy, Prenatal Diagnostic Techniques and Law, Human Organ Transplantation.

## **MODULE IV**

### **Medical Ethics:**

Theoretical Approaches to Medical Ethics, Informed Consent, Full Disclosure, Confidentiality, Public Interest, Human Dignity etc.

The Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002.

Declaration of Geneva, 1948.

## **6. PRESCRIBED READINGS**

1. DURGA DAS BASU, INTRODUCTION TO CONSTITUTION OF INDIA, Lexis Nexis, 2015.
2. H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA, Universal Law Publishing Co. Pvt. Ltd., 2015.
3. SAIRAM BHATT, HEALTHCARE IN INDIA: AN INTRODUCTION TO LAW AND LEGAL SYSTEM, Bloomsbury India 2016.
4. NORMAN DANIELS, JUST HEALTH: MEETING HEALTH NEEDS FAIRLY, Cambridge University Press, 2007.
5. PAUL FARMER & AMARTYA SEN, PATHOLOGIES OF POWER: HEALTH, HUMAN RIGHTS AND THE NEW WAR ON THE POOR, University of California Press 2004.
6. COLLEEN M. FLOOD & AEYAL GROSS, THE RIGHT TO HEALTH AT THE PUBLIC/PRIVATE DIVIDE: A GLOBAL COMPARATIVE STUDY, Cambridge University Press 2016.
7. MICHAEL GRODIN; DANIEL TARANTOLA; GEORGE ANNAS & SOFIA GRUSKIN , HEALTH AND HUMAN RIGHTS IN A CHANGING WORLD, Routledge, 3<sup>rd</sup> ed. 2013.
8. THERESE MURPHY, HEALTH AND HUMAN RIGHTS, UK Ed. Edition, Hart Publishing, 2013.
9. JOHN TOBIN, RIGHT TO HEALTH IN INTERNATIONAL LAW, Oxford University Press 2012.
10. JONATHAN WOLFF, THE HUMAN RIGHT TO HEALTH, W.W. Norton and Company 2013.

11. ALICIA ELY YAMIN, POWER, SUFFERING, AND THE STRUGGLE FOR DIGNITY: HUMAN RIGHTS FRAMEWORK FOR HEALTH AND WHY THEY MATTER, University of Pennsylvania Press, Reprint ed. 2016.
12. JOSE M. ZUNIGA; STEPHEN P. MARKS & LAWRENCE O. GROSTIN, ADVANCING THE HUMAN RIGHT TO HEALTH, Oxford University Press 2013.
13. Richard Baker & Vanessa Taylor, The Right to Health: A Right on the Rise, 2013.
14. David Bilchitz South Africa: Right to Health and Access to HIV/AIDS Drug Treatment, 2003.
15. Pavlos, Eleftheriadis, A Right to Health Care, 2012.
16. Paul Hunt, Interpreting the International Right to Health in a Human Rights Based Approach, 2016.
17. S. Hazarika et. al., Public health law in India: A framework for its application as a tool for social change, The National Medical Journal of India, 2009.

**Statutory References:**

Indian Medical Council Act, 1956  
 Indian Medical Council (professional conduct, etiquette and ethics Regulations) 2002  
 Indian Medical Degrees Act, 1916  
 Drugs and Cosmetics Act, 1940  
 The Drugs and Cosmetics Rules, 1945 (Amendments, 2005)  
 The Mental Healthcare Act, 2017  
 Rights of Persons with Disabilities Act, 2016  
 Rehabilitation Council of India Act, 1992 (Amendments, 2000)  
 Consumer Protection Act, 2019 (and 1986)  
 Indian Penal Code, 1860  
 Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994  
 Surrogacy (Regulation) Bill, 2019  
 Assisted Reproductive Technology Regulation Bill, 2020  
 The Medical Termination of Pregnancy Act, 1971  
 The Medical Termination of Pregnancy (Amendment) Bill, 2020  
 The Transplantation of Human Organs and Tissues Act, 1994 (Along with various rules)