

Syllabus

Post Graduate Diploma in Law and Medicine

Paper – I

Introduction to Law and Medicine

This paper introduces to the students the general interface between Law and Medicine and deals with the constitutional and procedural perspectives of Law and Medicine. It encompasses the sphere of the general laws that the medical professional is expected to know. It also deals with the ethico-legal and Human Rights perspectives.

Modules –

1. Constitutional Law –
 - Health as fundamental right
 - Directive principles for state
 - Judicial Trend
 - Health as a Human Right
2. Law of Contract –
 - Concept of contract
 - Essentials of a valid contract
 - Performance of contract
 - Remedy for breach of contract
3. Criminal Law -
 - Offences affecting public health and safety
 - Offences against persons
4. Labour Laws –
 - Hospital as an Industry
 - Labour laws applicable to hospitals
5. Code of medical ethics –
 - Development of concept of medical ethics
 - Duties of doctors vis-à-vis rights of patients
 - Code of Ethics Regulations 2002

6 International Conventions

Include in
paper 3 –
Mental Health
Law

Rashmi
13/8/10

13/8/10

Paper – II

Legislative and Judicial perspectives of medical profession –

This paper mainly introduces the basic legal principles underlying the doctor patient relationship, concept of medical negligence and the remedies provided. It enlightens the students about the role of Indian Judiciary in regulating the profession and developing the law in this regard.

Modules -

1. Basic principles underlying the relationship –
 - Duty of care, standard of care, breach of duty
 - Concept of vicarious liability
 - Informed consent
 - Confidentiality
2. Concept of Medical negligence –
 - Origin of concept
 - The development of the concept under law of torts, criminal law.
 - Consumer Protection Act
3. Judicial Trend about medical negligence
 - Before I.M.A. v/s V.P. Shantha
 - After I.M.A V/s V.P. Shantha
4. Legal proceedings vis-à-vis medical professionals
 - Legal Proceedings against doctors
 - Defenses available to doctors
 - Documentation and record keeping
 - Reacting an emergencies, Mishaps, accidents
 - Medico legal matters and role as an expert witness
5. Legal aid and advice to the doctors
 - Guidelines regarding documentation, facing the legal problems
 - Reacting an emergencies, Mishaps, accidents

Paper – III Law and Medicine and Emerging Issues

The paper will focus on the impact of law on medical profession and various issues faced by the professionals on the background of technological advancements. It further deals with the Legal, social and ethical issues that are developed to deal with the nuances of the contemporary of medicine and evolving jurisprudence.

Modules –

1. Medical experimentation and clinical trials –

- Concept
- Informed consent
- Protection of the vulnerable groups
- Legal measures

2. Organ transplantation –

- Issues
- Legal measures

3. Medical termination of pregnancy –

- Socio- legal and ethical issues
- legal measures

4. Prenatal diagnostic technique –

- Abuse of technology and its impact
- Legal measures

5. Artificial insemination and surrogacy –

- Socio ethical issues
- Inadequacy of law
- Precautionary legal measures

6. Euthanasia and physician assisted suicide -

- Development of the concept
- Ethical and legal issues
- Development of the law and judicial trend

Paper – IV

Project and Practical Paper

This paper deals with the seminars, Projects and Presentations as part of the course work.

The examination system will be only on the continuous assessment and end semester exam. Out of the four papers two papers will be offered in the I semester and II will be in the second semester. Each of the three papers will have a minimum of Lectures per paper and the Last paper being a practical oriented it will have a minimum of seminars/discussion classes and project to be carried out by the students with the consent of the concerned faculty. The project area must be within the syllabi framework. In this the project work will have a viva voce consists of two credits.

References suggested for reading-

1. Law and medicine – by Dr. Nandita Adhikari
2. Law of Contract- By Mulla
3. Medical Jurisprudence and Toxicology- By Moitra and Kaushal
4. The principles of Medical Jurisprudence, Medical and Forensic science and Toxicology- by Dr. Parikh and Dr. Mishra
5. Constitution of India- by Dr. J.N. Pandey
6. Constitution of India- by M.P.Jain
7. Medical Negligence and compensation- by R.K.Bag

Note- The modules are prepared tentatively and are subject to minor changes as suggested by concerned teachers.