

NATIONAL LAW UNIVERSITY JODHPUR
End Term Examination: July-November 2023
Semester: UG Semester 9
Subject: Health Law

E702 NOV 9

Time: Three Hours

Marks: 100

Instructions:

1. Answer Any **Five Questions**. Each Question carry 20 marks.
2. Read the questions carefully and answer accordingly.

1. "Libertarianism emphasizes the rights of individuals in a democracy over the will of the collective. Central to libertarian philosophy is the notion that government interventions in private spheres undermine rather than promote the success and well-being of the individual. Most importantly, a libertarian ethic does not divorce itself from the community as might be assumed given its focus on the individual, but rather recognizes that the individual and community are deeply linked; a harm to the community is the collective consequence when individual rights become subordinated to unnecessary government interference and intervention." Critically analyse the statement through the lens of reproductive autonomy. (Marks 20)
2. "Individual health is closely linked to, and dependent on, community health. When the infrastructure is ailing, individuals suffer. Issues of physical health are inexorably intertwined with economic welfare. When individuals suffer from extreme poverty and lack the income needed even to cover basic needs, a single episode of disease or a drought or a pest that destroys a harvest can be the difference between life and death. These conditions or circumstances are shaped by the distribution of money, power, and resources at global, national, and local levels. These are themselves influenced by policy choices. It makes clear the link between the social determinants of health and health inequalities, defined as the unfair and avoidable differences in health status seen within and between societies." Examine the status of Right to Health In India. (Marks 20)
3. Mohan ,a minor was brought at Govt Medical College, Kota due to chronic lung infection on December 20 2020. In the hospital patient was examined by a Senior Consultant Pediatrician Dr Mithra , wo diagnosed that patient was suffering from typhoid. With the consent of the parents, the hospital authorities admitted him to the hospital as an inpatient. On 26 December The Head Nurse Mr. Xavier asked the father to purchase an injection, 'In Laniago' so that it can be administered intravenously. The same was purchased by parents and given to the nurse, who injected the same to minor patient. On being injected the patient collapsed. Resident Doctor informed the parents that child had suffered a cardiac arrest, which led to his collapse. He was alter shifted to Ventilator but condition of Mohan did not improve. The parents shifted the child to AIIMS on the advice of Dr Mithra where they were informed that even though the child will survive , he will be in Permanent Vegetative State. The parents filed a suit against the State of Rajasthan on the grounds of negligence and claimed a compensation of 50 Lakhs. Decide. (Marks 20)
4. Critically Analyse the provisions of The Mental Healthcare Act, 2017. (Marks 20)



5. The appellant after obtaining the Degree of MBBS in 2017 from Jawaharlal Institute of Post Graduate Medical Education and Research, Chandigarh, completed his internship and junior residence at the same college. In June, 2020 he joined the Rajasthan State Medical and Health Service as Assistant Surgeon Grade-1. Thereafter, the appellant joined the MD Pharmacology Course. In August, 2022 he resumed his duties in the Nagaland State Health Service as Assistant Surgeon Grade-1. The appellant donated blood voluntarily in the Hospital run by the government. In August, 2023 the appellant proposed marriage to one Ms. 'Y' which was accepted and the marriage was proposed to be held on December 12, 2023 But the marriage was called off on the ground of blood test conducted at the Government hospital in which the appellant was found to be HIV(+). The appellant went again to another hospital at Madras where several tests were conducted and he was found to be HIV (+). Since the marriage had been settled but was subsequently called off, several people including members of the appellant's family and persons belonging to his community became aware of the appellant's HIV positive status: This resulted in severe criticism of the appellant and he was ostracized by the community. The appellant then approached the National Consumer Disputes Redressal Commission for damages against the Hospital . Decide.
(Marks 20)
6. Make an analysis of Suchitra Shrivastava v. Chandigarh Administration (2009) 9 SCC 1
(Marks 20)