



## **HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA**

### **SEMESTER-II**

**LL.M**

**Paper Code: LM 207**

### **HEALTH LAW**

#### **MODULE-1**

#### **Meaning of Health, Public Health and Various International Covenants Relating to Health**

1. 1. Definition of Health, Public Health
1. 2. Impact of Globalisation in addressing Health issues.
1. 3. Health Challenges of the 21st century.
1. 4. WHO: Its objectives, Role of WHO in public health and health legislation.
1. 5. International Covenants relating to Health.

#### **MODULE 2**

#### **Constitutional Rights Based Approach to Health and Environmental Health**

- 2.1. Health: Correlation with Fundamental Rights and Directive Principles of the State Policy.
2. 2. Important Constitutional Provisions which addresses the Right to Health viz., Article 16, 21, 24, 38, 39, 41, 42, 48A, 51A etc.
2. 3. Fields of Common Interest for Health and Environment
2. 4. Effect of Nuclear, Chemical Disasters and Climate Change on Human Health
2. 5. Various Environmental Legislations: The Air (Prevention and Control of Pollution) Act, 1981, The Water (Prevention and Control of Pollution) Act, 1974, EPA, 1986, EIA etc.

### **MODULE 3**

#### **Technological Challenges, M- Health Laws and Regulations in India and Laws Relating to Medical Practices**

**3.1.** M- Health: Definition, Technology and Market, Mobile for Health, Health System regulation in India.

**3.2.** Meaning, Definition of Medical Ethics, Rights, Duties and Privileges of Medical Practitioners, Physician Patient Relationship, Consent in Medical Practice.

**3.3.** Emergence of western technology and health practices in India; Health Law and Technological Challenges, Ethical issues in Scientific and Technological Development: Sex Determination Test; Genetic Test and Enhancement.

**3.4.** Induced Abortion; Liability for causing injuries to foetus and unborn; Artificial Reproductive Technology; Invitro fertilization; Organ Donation and Transplantation; Artificial Insemination and Surrogate motherhood; Reproductive Rights; Mental Health; Euthanasia and Physician Assisted Suicide.

**3.5. Important Legislations:** Medical Practitioners in India Medical Termination of Pregnancy Act, 1971 (Main Provisions), Pre-Conception and Pre- Natal Diagnostic Techniques Act, 1994 (Main Provisions), Indian Medical Council Professional Conduct, Etiquette and Ethics Regulations, 2002, Mental Health Care Act, 2017, Protection of Children from Sexual Offences Act, 2012, The Transplantation of Human Organs and Tissues Act, 1994, Framework for regulating Technological advancement (Surrogacy) and Rules of 2014, Indian Penal Code: Sections 52, 84, 87, 88, 89, 92, 176, 243-G.

### **MODULE 4**

#### **Occupational Health and Public Health Safety: Norms and Standards**

**4.1.** What is Occupational Health, Employees Right to Health

**4.2.** The Factories Act, 1948; the Prohibition of Employment as Manual Scavenger and their Rehabilitation Act, 2013;

**4.3.** Food Safety and Standards, 2006: Food Safety and Standards Regulations, 2011, 2016 (Food product standards, Food Additives, Prohibition and restriction on sales);

4.4. The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Supply and Distribution) Act, 2003.

4.5. The Child Labour (Prohibition and Regulation) Act 1986 (Main Provisions); The Bonded Labour Act, 1976;

- ❖ Main provisions of above mentioned legislations will be discussed.

### **Suggested Readings**

- Dr. Gupta and Dr. Aggarwal, Medical Jurisprudence and Toxicology Practice and Procedure, Premier Publication Company.
- Johnathan, Herring, Medical Law and Ethics, Oxford University Press.
- Patnaik, K. and Mathiharan, K., Modi's medical Jurisprudence and Toxicology, Lexis Nexis Butterworths.
- Dr. Seema Rathi, Reproductive Technology and Human Rights, Deep & Deep Publications, 2012. Modi Medical Jurisprudence and Toxicology, Lexis Nexis Publication.
- Basu Durga Das, Commentary on the Constitution of India, (Lexis Nexis Butterworths Wadhwa Nagpur, New Delhi, 2008).
- Amita Dhanda, Legal Order and Mental Disorder, Sage Publication, New Delhi.
- M. C. Gupta, Health and Law, Kanishka Publishers, Distributors, New Delhi.
- Ashok k. Jain, Socio legal off shoots, The Sana of Female Foeticide in India, Ascent Publication, Delhi.
- Avanish Kumar, Human Right to Health, Satyam Law International, New Delhi, 2007.
- Narinder Kumar, Constitutional Law of India, Pioneer Books, Delhi, 2005.
- Jonathan Maan, Health and Human Rights: A Reader, (New York, Routledge, 1999).
- Tulsi Patel, Sex-Selective Abortion in India, Gender, Society and New Reproductive Technologies, Saga Publications India Pvt. Ltd., New Delhi.
- S. C. Srivastava and S.K. Verma , Legal Framework for Health Care in India, Lexis Nexis Butterworth's, The Indian Law Institute, New Delhi.

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