

TILAK MAHARASHTRA VIDYAPEETH, PUNE
BACHELOR OF LAWS (LL.B.) (Three Years Semester Pattern)/
B.A. LL.B. (FIVE YEARS INTEGRATED LAW COURSE)
(SEMESTER PATTERN) CREDIT SYSTEM
EXAMINATION : DECEMBER - 2025
SECOND/SIXTH SEMESTER
Sub.: Health Care Law (LW-205/6005)

Date : 15/12/2025	Total Marks : 60	Time: 10.00 am to 12.30 pm
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Instructions: 1) All questions are compulsory.
2) Figure indicate to the right full marks.

Q. 1. Answer the following question. (15)

A) Define health and healthcare, and explain the significance of healthcare as a national and international issue. Discuss the challenges faced in healthcare at the national level.

OR

B) Explain the constitutional remedies available for enforcing the Right to Health in India. How effective are these remedies in ensuring public health?

Q. 2. Answer the following question. (15)

A) Explain the civil remedies available under the Law of Torts for medical negligence. How can a patient claim compensation for harm caused by a medical professional? Support your answer with relevant case law.

OR

B) Define medical negligence and explain its meaning and scope. Discuss the essential ingredients of medical negligence with suitable examples.

Q. 3. Write Short Notes. (any four) (20)

- a. Doctrine of res ipsa loquitur
- b. Differentiate between an error of judgment and gross negligence
- c. Professional obligations of doctors under the Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
- d. International Code of Medical Ethics
- e. Remedies for medical negligence under the Law of Crimes
- f. Right to Health as a Fundamental Right

Q. 4. Answer the following questions. (10)

A) Dr. Sharma performs a kidney transplant without obtaining approval from the hospital's Authorization Committee, and it is later revealed that the donor received monetary compensation from the recipient's family. In light of this situation, discuss the legal violations, professional obligations, and potential penalties for Dr. Sharma and the hospital under the Transplantation of Human Organs Act, 1994.

OR

B) Analyze the Supreme Court's decision in Jacob Mathew v. State of Punjab (2005) and discuss its impact on medical negligence cases and the criminal liability of doctors.
