REV-01
BLB/30/35

2025/11

SET A

BA LLB
NINTH SEMESTER
HEALTH LAW
BLB – 903OP$_3$

[USE OMR FOR OBJECTIVE PART]

Duration: 3 hrs. **Full Marks: 70**

Objective

Time: 30 min. **Marks: 20**

Choose the correct answer from the following: ***1×20=20***

1. Which Article of the Indian Constitution directs the State to improve public health?
   a. Article 21
   b. Article 39A
   c. Article 41
   d. Article 47

2. The Parmanand Katara v. Union of India case is significant for:
   a. Medical Negligence
   b. Emergency Medical Care as a Fundamental Right
   c. Organ Transplantation Ethics
   d. Medical Confidentiality

3. The Supreme Court legalized passive euthanasia in which case?
   a. Gian Kaur v. State of Punjab
   b. Aruna Shanbaug v. Union of India
   c. Common Cause v. Union of India
   d. State of Maharashtra v. Maruti Sripati Dubal

4. The Right to Confidentiality in medical context is primarily derived from _____ under the Constitution of India :
   a. Article 14
   b. Article 19(1)(a)
   c. Article 21
   d. Article 19(1)(c)

5. The International Code of Medical Ethics was adopted by:
   a. United Nations
   b. World Health Organization
   c. World Medical Association
   d. Indian Medical Council

6. The term "Indian Medicine" under the Indian Medicine Central Council Act, 1970 includes which of the following systems?
   a. Ayurveda, Siddha, and Homeopathy
   b. Ayurveda, Siddha, and Unani
   c. Ayurveda, Unani, and Allopathy
   d. Unani, Homeopathy, and Naturopathy

7. What is the minimum punishment for the commercial trading of human organs?
   a. 6 months imprisonment
   b. 1 year imprisonment
   c. 2 years imprisonment and fine up to ₹10,000
   d. 5 years imprisonment and fine up to ₹20 lakh

8. Brain-stem death certification under the Act must be given by –
   a. Any single doctor
   b. Two doctors from the same hospital
   c. A panel of medical experts including the registered medical practitioner and neurologist/neurosurgeon
   d. The donor's family

9. The Pre-Conception and Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was amended in 2003 to include –
   a. Prohibition of sex selection even before conception
   b. Legalization of abortion up to 24 weeks
   c. Commercial surrogacy
   d. Regulation of organ donation

10. What is the maximum punishment for contravention of the provisions of the PCPNDT Act?
   a. Fine of ₹10,000
   b. Imprisonment up to 1 year
   c. Imprisonment up to 3 years and fine up to ₹10,000
   d. Imprisonment up to 5 years and fine up to ₹1 lakh

11. The case Jacob Mathew v. State of Punjab (2005) is related to:
   a. Right to Health
   b. Medical Negligence
   c. Euthanasia
   d. Organ Transplant

12. The term of office of members of the Central Council under Indian Medicine Central Council Act 1970 is
   a. 3 years
   b. 4 years
   c. 5 years
   d. 6 years

13. The disposal of bio-medical waste in hospitals is regulated under:
   a. Bio-Medical Waste Management Rules, 2016
   b. Epidemic Diseases Act, 1897
   c. Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016
   d. None of the above

14. A victim of medical negligence can seek remedy under:
   a. Law of Torts
   b. Law of Crimes
   c. Consumer Protection Act
   d. All of the above

15. Exhumation refers to:
   a. Cremation of dead body
   b. Burial ceremony
   c. Digging out of a buried body for investigation
   d. Post-mortem report submission

16. Which legislation primarily governs the functioning of blood banks in India?
   a. Biomedical Waste Management Rules
   b. Drugs and Cosmetics Act, 1940
   c. Indian Medical Council Act, 1956
   d. Clinical Establishments Act, 2010

17. Under the Consumer Protection Act 2019, a doctor is considered a service provider unless:
    a. Treatment is free of cost
    b. Hospital is private
    c. Patient is insured
    d. Doctor is government employee

18. Right to dignified treatment for HIV/AIDS patients is protected under:
    a. Article 14
    b. Article 19
    c. Article 21
    d. Article 32

19. The liability of a hospital for negligent acts of doctors or staff is termed as:
    a. Direct liability
    b. Shared liability
    c. Vicarious liability
    d. Contributory negligence

20. Which of the following statements best defines gross negligence in medical practice?
    a. Any unintentional harm caused
    b. Minor deviation from standard care
    c. A conscious and voluntary disregard for patient safety
    d. A mistake by a junior doctor

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Descriptive

Time : 2 hrs. 30 min. **Marks : 50**

[Answer question no.1 & any four (4) from the rest]

1. Critically examine the concept of euthanasia with special reference to the Indian legal perspective. Explain the judicial developments through Aruna Shanbaug v. Union of India (2011) and Common Cause v. Union of India (2018). **6+4=10**

2. "Healthcare is not a privilege but a constitutional obligation." Analyse this statement in light of Articles 21, 38, and 47 of the Indian Constitution. **10**

3. Discuss the provisions of the Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, and examine its role in preventing sex-selective practices. How does the Act address the misuse of prenatal diagnostic techniques for sex determination, and what are the penalties for violation? **7+3=10**

4. Examine the essential ingredients of medical negligence. How does the Bolam test influence judicial reasoning in India? **7+3=10**

5. Define the term "Indian Medicine" as per the Indian Medicine Central Council Act, 1970, and explain the constitution of the Central Council of Indian Medicine (CCIM) under Section 3 of the Act. Also, discuss the tenure of office of its members. **3+7=10**

6. Discuss the objectives and salient features of the Transplantation of Human Organs Act, 1994. How does the Act regulate the removal, storage, and transplantation of human organs in India? **7+3+10**

7. Discuss the remedies available for medical negligence under the law of torts, criminal law, and consumer protection law in India. **10**

8. Explain how the right to dignified treatment safeguards HIV/AIDS patients from discrimination and promotes social inclusion. **10**

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