

## **PG Diploma in Medico Legal Systems**

KIMSDU will be conducting a one year PG Diploma in Medico Legal Systems. The course will commence in July and Final Examination will be held in April the following year. Graduates from all disciplines are eligible provided they have a minimum of 50% marks. The course shall be conducted on all Saturday afternoons and Sunday forenoons, so as to enable working professionals to join the course. Three hours of Lectures on Saturday afternoons and three hours of lectures on Sunday mornings will be held. A total of about 190 lecture hours will be held and further 60 hours of practical work will be held. The course would be conducted in English.

Students are expected to undergo following 6 modules for which they will be assessed for 100 marks each.

1. Overview of Legal System and Medico Legal System in India
2. Ethics in Healthcare services
3. Consumer Laws in Healthcare Services
4. Special Laws and Healthcare Services
5. Practicals
  - Visit to courts to witness ongoing cases.
  - Visit to Hospitals and on spot discussions.
  - Visit to Forensic Museums and on spot discussion.
  - Mock court Trials
  - Case studies
  - Role plays
6. Detailed study of relevant cases and its presentation to be undertaken as a Project work.

For modules 1 to 4 above, 25% marks will be awarded on the basis of submissions required to be made by students every month in each subject and 75% marks will be awarded on the basis of written final examination.

### **Over view of Legal System and Medico Legal System in India**

1. Constitution of India, Preamble & Fundamental Rights.
2. Overview of I.P.C., Cr.P.C., C.P.C., Evidence Act.
3. Criminal Courts and their powers.
4. FIR, Complaints, Investigations, warrant, Court summons, Affidavit, Oath.
5. Act for doctor's Protection.
6. Certification for Health care establishments.
7. Licenses/Certifications/Accreditation of Healthcare establishments.

8. Glossary of Medical Terms, Procedures & Symbols.
9. Medical jurisprudence in general-
  - Points to be noted down while conducting P.M. (Autopsy).
  - Medico- legal aspects of wounds.
  - Death in its medico- legal aspects.
  - Examination of biological stains, tissues, hair etc.
  - Ballistic firearms.

### **Ethics in Healthcare Services**

1. Varieties of Medical Profession in India.
2. Code of Medical Ethics.
  - The Indian Medical Council Act 1956,
  - The Indian Medical Council (Professional conduct, Etiquette & Ethics) Regulations 2001
3. Confidentiality and Privileged Communication. Right to Privacy.
4. Self-regulation through Code of Conduct.
5. Human experimentation of Drugs
  - International Regulations for Human Experimentation
  - Helsinki Declaration
  - Research with children
  - Experiments on Prisoners
6. Clinical Research- Rules Regulations
7. Ethical Committee/Clearance
8. Euthanasia - Recent judgment of the Supreme Court in Aruna Ramchandra Shanbaug v/s Union of India.
9. DNA testing - technique, genetic engineering, genetic privacy, use in crime investigation and in paternity disputes.
10. HIV/ AIDS - Disclosure and Right to Privacy.
  - [ refer to Mr. X v/s Hospital Z reported in AIR 2003 SC 664]
  - Divergence of opinion on mandatory Pre- Marital HIV Testing.
  - Case of Sharda v/s Dharmpal reported in AIR 2003 SC 3450.

### **Special Laws and Health Care Services**

1. Hippocratic Oath, Declaration of Geneva, Florence Nightingale Oath
2. List of Offences & Professional Misconduct of Doctors, as per Medical Council of India
3. Laws related to Medical Procedures
  - Medical Termination of Pregnancy Act 1971(MTP Act)(Extracts)
  - Prenatal Diagnostic Techniques, Regulations & Prevention of Misuse Act 1994 (PNDT Act) (Extracts)
  - Transplantation of Human Organs Act 1994 (Extracts)

4. Preventive Steps for Doctors/Hospitals to avoid litigation
  - Consent form
  - Life Support
  - Dying Declaration
  - Death Certificate
  - High Risk
  - Post Mortem
  - Injury certificate
5. Illustrative Cases of Medical Negligence in India
  - Surgery
  - OBST/GYNAEC
  - Medicine
  - Pediatrics
  - Other Disciplines/Anesthesia
  - Supreme Court & High Courts on Medical Negligence
6. Consent in Medical Profession. What is Informed Consent?
7. Medico-Legal Aspects of Sexual Assaults.
 

Precautions to be taken by Medical Professionals at the time of examination of female patients/victims
8. Medico-Legal Aspects of Road Accidents- Disability Certificate.
 

The Motor Vehicles Act, 1988 (Extracts)
9. Pre - natal Diagnostic Techniques -
  - The Pre natal Diagnostic Techniques Act, 1994 (Extracts)
  - Amended as The Pre conception and Pre- natal Diagnostic Techniques ( Prohibition of Sex Selection) Act, 2003
  - Government Resolutions and Circulars.
10. The Transplantation of Human Organs Act, 1994
11. The Medical Termination of Pregnancy Act, 1971

### **Consumer Laws in Health Care Services**

1. Organisational & Procedural Laws-
  - Indian Contract Act
  - Nursing Home Registration Act
  - Birth-Death Registration Act
2. Medical Establishment, Professional Negligence, Errors & Insurance Policy
  - General Claims Procedure
3. Consumer Protection Act, 1986
4. Medical Negligence & compensation
5. Patients Right of Self Determination

6. Rights & Duties of Medical Practitioner
7. Doctors & Patients Contractual Relationship
8. Consumer Protection Act, 1986 (Relevant Sections)
9. Negligence in Medical Profession: Under law of Torts
10. The Doctrine of Res Ipsa Loquitur
11. The Drugs & Magic Remedies (Objectionable Advertisements) Act 1954
12. Mental Health Act, 1987 and Rules, 1990
13. Vicarious liability- of management, hospital authorities, Government hospitals.( Refer to the cases of Achutrao Haribhau Khodwa v/s State of Maharashtra reported in AIR 1996 SC 2377 and State of Haryana v/s Smt. Santra reported in AIR 2000 SC 1888)

**Leading case law to be studied by students-**

- 1) Martin D' Souza v/s Mohd. Ishfaq = (2009) 1 SCC (Cr) 958
- 2) INS. Malhotra (MS) v/s Dr. A. Kriplani and others = (2009) 2 SCC (Cr) 561
- 3) Jacob Mathew v/s State of Punjab = 2005 SCC (Cr) 1369
- 4) IMA v/s V.P. Shantha = AIR 1996 SC 550
- 5) Poonam Verma v/s Ashwin Patel = AIR 1996 SC 2111

**Books recommended -**

- 1) Modi's Medical Jurisprudence and Toxicology
- 2) HWV Cox "Medical Jurisprudence and Toxicology"
- 3) C. K. Parikh's Textbook of Medical Jurisprudence and Toxicology
- 4) Taylor's Principles and Practice of Medical Jurisprudence
- 5) R. Chakraborty's Law of Negligence, Deficiency in Service and Medical Negligence
- 6) Dr. Jagdish Singh " Medical Negligence and Compensation".
- 7) R.K. Bag "Law of Medical Negligence and Compensation".