

K. J. SOMAIYA INSTITUTE OF MANAGEMENT STUDIES AND RESEARCH,
Vidyavihar, Mumbai- 400077

Program: PGDM (HCM) (Batch2018-20)- III Trim
Subject: Medico Legal Environment in Health Care

Date: 1st April, 2019

Total Marks: 50

Duration: 3 Hours

Instructions

- This is an **OPEN BOOK EXAMINATION** & students are allowed to bring books and notes to the Examination hall.
 - Comment on the following statements using cases and laws discussed in the class room.
 - Question No.1 carries 10 marks and Question No. 2 to 6 carry 8 marks each.
1. “Illegal organ transplants are on the rise in spite of having a special legislation in place to deal with the menace. The law for various reasons failed in its objective and giving scope to make the ground fertile for organ scandals.”
 2. “Right to health is a fundamental right covered by Article 21 since health is essential for making the life of people meaningful and the right of a citizen to live under Article under 21 casts an obligation on the state to secure health to its citizens as its primary duty.”
 3. “The services rendered to a patient by a medical practitioner or a hospital by way of diagnosis and treatment, both medicinal and surgical, would come within the definition of 'service' in Section 2(1) (o) and a patient who undergoes treatment under a medical practitioner or a hospital by way of diagnosis and treatment, both medicinal and surgical, can be considered to be a 'consumer' within the meaning

of Section 2(1) (d) of the Act.”

4. “If the Industrial Disputes Act would apply to the workmen of a hospital run by a private agency, there is no reason why the Act should not equally apply to the workmen of a hospital run by Government.”
5. “Disposal of hospital biomedical waste is a process of paramount importance because of its infectious and hazardous nature and it is the duty of every occupier to take all steps to ensure that waste generated is handled without any adverse effect to human health and environment.”
6. “Patient’s right to privacy is underpinned by professional codes of conduct in India and would not prevail over the Right to Information Act, 2005 unless the information sought falls under the exceptions contained in Section 8 of the RTI Act.”

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