

End Semester/Reappear (Semester IV) Examination, May 2025

Programme: LLM

Full Marks: 70

Course: Medical Profession, Patient and the Law

Time: 3 Hrs.

Course Code: 24H.235

Enrolment no. _____

Section I

1. Short Answer type questions. Answer any four.

4 x 5 = 20

- a. List out the guidelines regarding proper documentation in medical practice.
- b. Examine the concept of 'duty of care' and 'standard of care' in the context of medical negligence.
- c. Examine the legal framework surrounding medical negligence, referencing statutory provisions and key judicial rulings.
- d. Trace the development of the concept of medical negligence under the law of Torts. How have judicial interpretations shaped the duties and liabilities of medical professionals over time?
- e. "Proper documentation and record-keeping in medical practice save the doctor from several medical liability". Explain this sentence.
- f. How do legal and ethical considerations ensure that medical professionals respect patient autonomy while fulfilling their obligations of care, confidentiality, and informed consent?

Section II

Long Answer type questions. Answer any three.

3 x 10 = 30

2. How does legal documentation impact medical cases, and how do precise, timely medical records help healthcare professionals safeguard themselves against claims of negligence or malpractice?
3. Examine the legal and ethical obligations of doctors to maintain patient confidentiality. Under what conditions can this duty be lawfully overridden, and how have courts weighed patient privacy against public interest?
4. Discuss the scope of medical negligence liability under the Consumer Protection Act, 2019 in India. How has the Act empowered patients as consumers, and what has been the judicial approach in adjudicating such cases?
5. In medico-legal cases, doctors are often summoned as expert witnesses. How do courts evaluate medical expertise in cases of negligence, and what duties do doctors have when giving expert testimony?
6. How did the Jacob Mathew v. State of Punjab AIR 2005 SC 3180 judgment influence India's legal approach to criminal medical negligence, and how did the Supreme Court balance patient rights with protections for medical professionals?

Section III

Application based questions. Answer any one.

1 x 20 = 20

7. Examine the legal and ethical impact of the Supreme Court's ruling in Mr. X v. Hospital Z on patient privacy. How did the Court weigh individual rights against public interest in this case?
8. Mr. Rajan approached a private hospital for treatment and was charged a consultation fee. Due to alleged medical negligence by the attending doctor, he suffered complications and decided to file a complaint under the Consumer Protection Act, 2019. The hospital argues that medical services do not fall within the ambit of "services" under the Act.
Applying the principles laid down in Indian Medical Association v. V.P. Shantha (1995), assess whether Mr. Rajan is entitled to seek remedy under the Consumer Protection Act, 2019. How did this case redefine the scope of medical services as 'services' under consumer protection law in India?
9. Examine the legal structure regulating medical negligence proceedings against doctors. What procedural protections and substantive defences safeguard medical professionals, and how do courts maintain a fair balance between accountability and shielding them from frivolous claims?