



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

Semester: IX

B.A./B.B.A. LL.B. (Hons)

Paper Code: SPA4-905

Health Law

Credit - 04

Introduction:

Health law is a multidimensional concept that encompasses the legislative, executive, and judicial approach that governs the healthcare givers, patients, and the civil society. It traverse beyond the realm of regulatory and the administrative laws and require understanding of the concepts such as breach of contract, torts, informed consent, public health law, technologies, bioethics issues including end of life decision making, assisted reproduction, health care decision making and intellectual property laws etc. The course intends to develop critical assessment of the healthcare framework nationally and globally amongst the students. They will learn to identify, analyse and develop solutions to legal, medical and ethical issues affecting health and health care services.

Course Objectives:

1. To understand legal and ethical concepts pertaining to health.
2. To identify the distinguishing features of the Indian Health law system and its strengths and weaknesses.
3. To understand the framework of various healthcare system working internationally including regulatory body such as WHO.
4. To understand contemporary challenges in the arena of health law.

Learning Outcomes:

On the successful completion of course, students will be able to:

1. Understand the dimensions and determinants of Health Law as a subject.
2. Learn the fundamentals of Indian Health Law.
3. Learn the interplay between the emerging technologies, environmental changes, strong IPR regime and health laws.
4. Understand bioethical concepts underpinning health law, and understand how different countries and international bodies address healthcare and needs of their population.

Module - I

Health Law Fundamentals

- 1.1. Concept of Health;
- 1.2. Dimensions and determinants of health;
- 1.3. International Instruments and Right to Health;
- 1.4. Concept of Public Health- 3P's - Sustainable Development Goals;
- 1.5. Bioethics and health.

Module - II

Legal Aspect of Right to Health in India

- 2.1. Constitutional dimension of Right to Health;
- 2.2. Health under Various legislations – Medical Health Laws, Torts law, Law of Contract, Law of Crimes and Health;
- 2.3. Emerging Issues in Health;
- 2.4. Health Plans and Policies;
- 2.5. Public Health in India –Shifts and Trends.

Module - III

Global Health Law

- 3.1 Global Health Institution -World Health Organisation.
- 3.2 UN bodies and the role of specialized agencies such as UNICEF, UNESCO, FAO in Healthcare;
- 3.3 International Instruments dealing with Health law;
- 3.4 Health and Human Rights;
- 3.5 Globalised Health Hazards and Collective Global Action.

Module - IV

Contemporary Issues in Health Law

- 4.1 Gaps in health system and Infrastructure;
- 4.2 Environmental Factors and health;
- 4.3 Emerging Technologies & Challenges;
- 4.4 Reproductive health and Organ transplantation;
- 4.5 Malnutrition and Food Safety.

Prescribed Legislations:

1. The Assisted Reproductive Technology (Regulation) Act, 2021.
2. The Constitution of India, 1950.
3. The Drugs & Cosmetics Act, 1940.
4. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.
5. The Epidemic Diseases (Amendment) Act, 2020.
6. The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017.
7. The Maternity Benefits Act, 1961.
8. The Medical Termination of Pregnancy Amendment Act, 2021.
9. The Mental Healthcare Act, 2017.
10. The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.
11. The Surrogacy (Regulation) Act, 2021.
12. The Transplantation of Human Organs and Tissues Act, 1994.

Prescribed Books:

1. Bonnie Fregman, MEDICAL LAW AND ETHICS, (Pearson, 2019).
2. Ceasar Roy, HEALTH LAWS IN INDIA, (Routledge, 2023).
3. Lawrence O. Gostin, GLOBAL HEALTH LAW, (Harvard University Press, 2014).
4. Sara E. Wilensky and Joel B Teitelbaum, ESSENTIALS OF HEALTH POLICY AND LAW (Jones & Bartlett Learning, 2022).

Suggested Readings:

1. George D. Pozgar, LEGAL AND ETHICAL ESSENTIALS OF HEALTH CARE ADMINISTRATION, (Jones & Bartlett Learning, 2020).
2. Nathan Cortez and I. Cohen, READINGS IN COMPARATIVE HEALTH LAW AND BIOETHICS, (Carolina Academic Press, 2020).
3. Scott Burris *et. al.*, THE NEW PUBLIC HEALTH LAW: A TRANSDISCIPLINARY APPROACH TO PRACTICE AND ADVOCACY (Oxford University Press, 2022).

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