

**DEPARTMENT OF FORENSIC MEDICINE**  
**Rural Medical College, Pravara Institute of Medical Sciences,**  
**Loni, Rahata, Ahmednagar**

## **PLANNED ENRICHMENT COURSES**

# **ORIENTATION COURSE IN MEDICAL ETHICS AND MEDICOLEGAL PRACTICES**

### **1. PREAMBLE**

With increase in the treatment cost, increased awareness amongst the consumers (patients) about their rights and doctor's duties and tendency of the doctors to disregard the need to maintain a good rapport with the patients, there is a steep rise in the allegations against the doctors and hospitals. There are many instances when the irate public has caused damage to the life and property of the doctors.

Thus, an urgent need is felt to overview the whole scenario in the light of recent Supreme Court and National commission (NCDRC) judgments on this aspect. Also, it is high time now that the doctors introspect and practice their profession ethically so as to prevent any Medicolegal issue in their professional practice.

The subject of "Medical Jurisprudence" which contains the relevant topics like professional misconduct, medical negligence, consent, certifications etc which the doctors learn in second year of their MBBS course, is long forgotten by the time s/he enter the practice. Hence, this course is designed to again orient the newly registered doctors towards these relevant issues.

### **2. OBJECTIVES**

- (i) To orient the doctors towards ethical, legal and moral aspect of medical practice.
- (ii) To impart knowledge about the legalities in medical practice
- (iii) To sensitize them towards various laws, acts, directives and regulations governing medical practice.
- (iv) To orient the doctors towards the functioning and procedures of consumer forums.
- (v) To provide them detail knowledge about the professional indemnity policies and their fallacies.
- (vi) To impress upon them the importance of documentation and record keeping.

### **3. ELIGIBILITY FOR ADMISSION**

A candidate who has completed his graduation from any medical college of any of the recognized streams of medicine (Allopathy, Ayurvedic, Homeopathy, Unani) of any recognized University.

### **4. DURATION OF COURSE**

The duration of course will be 6 months.

**5. MEDIUM OF INSTRUCTION**

Medium of instruction shall be in English.

**6. ATTENDANCE**

75% attendance is compulsory.

**7. COURSE CONTENT**

As per recommended Modules

[Total Teaching Hours: 80]

MODULES	TOPICS	TEACHING HOURS
MODULE I	<p><b>Laws related to Medical Profession</b></p> <ol style="list-style-type: none"> <li>1. Indian Medical Council Act 1956</li> <li>2. The Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002</li> <li>3. Indian Medicine Central Council Act,1970</li> <li>4. Homeopathy Central Council Act,1973</li> <li>5. Homeopathy Practitioners Regulations, 1982</li> <li>6. Dentists Act, 1948.</li> <li>7. Dentists (Code of Ethics) Regulations,1976</li> <li>8. Drugs and Cosmetics Act,1940</li> <li>9. Pharmacy Act,1948</li> </ol>	8 Hours
MODULE II	<p><b>Laws related to Medical Profession</b></p> <ol style="list-style-type: none"> <li>1. Consumer Protection Act.</li> <li>2. Medical Termination of Pregnancy Act,1971</li> <li>3. Transplantation of Human Organs Act,1994</li> <li>4. Mental Health Act,1987</li> <li>5. Pre-conception and Pre-natal Diagnostic Techniques Act, 1994</li> <li>6. Bio-Medical Waste (Management and handling) rules 1998.</li> </ol>	8 Hours
MODULE III	<p><b>Medical Ethical aspects in medical practice- an overview</b></p> <ol style="list-style-type: none"> <li>1. Medical ethics</li> <li>2. Medical Professional – rights, duties &amp; privileges</li> <li>3. Professional misconduct</li> <li>4. Duty of care</li> <li>5. Standard of care</li> <li>6. Role of state medical councils in regulating the medical profession.</li> </ol>	8 Hours
MODULE IV	<p><b>Doctor-Patient Relationship</b></p> <ol style="list-style-type: none"> <li>1. Situation in cases of emergency patients and expert advise in such cases</li> <li>2. Concept of Consent and necessity of</li> </ol>	8 Hours

	<p>informed consent</p> <ol style="list-style-type: none"> <li>3. Relevant sections of IPC, CrPC, IEA pertaining to consent</li> <li>4. Various types of consents in different situations</li> <li>5. Professional secrecy</li> <li>6. Privileged communication</li> </ol>	
MODULE V	<p><b>Medical Negligence</b></p> <ol style="list-style-type: none"> <li>1. Concept of Medical Negligence</li> <li>2. Civil and Criminal Negligence</li> <li>3. 174 CrPc and the issue of alleged medical negligence</li> <li>4. Various Court precedents and Govt. Directives</li> <li>5. Corporate Negligence</li> <li>6. Current Scenario</li> </ol>	8 Hours
MODULE VI	<p><b>Actions against Doctors</b></p> <ol style="list-style-type: none"> <li>1. Civil, Criminal, Writ, Human Rights Commission &amp; Medical Council</li> <li>2. Why there are litigations against doctors?</li> <li>3. Defenses available to Doctors in legal proceedings (Primary, Secondary, tertiary and Quartic)</li> <li>4. Contributory Negligence</li> <li>5. Duties of Patients</li> <li>6. Current Scenario</li> </ol>	8 Hours
MODULE VII	<p><b>Defenses available for doctors in cases of alleged medical negligence</b></p> <ol style="list-style-type: none"> <li>1. Doctor-Patient relationship and emergency care</li> <li>2. Medical Maloccurrence</li> <li>3. Therapeutic misadventure</li> <li>4. Contributory Negligence</li> <li>5. Various court precedents</li> <li>6. Crosspathy</li> </ol>	8 Hours
MODULE VIII	<p><b>Various doctrines pertaining to medical profession</b></p> <ol style="list-style-type: none"> <li>1. Doctrine of common knowledge</li> <li>2. Novus actus interveniens</li> <li>3. res judicata</li> <li>4. respondent superior, vicarious liability</li> <li>5. last clear chance doctrine</li> <li>6. Various court precedents pertaining to these doctrines</li> </ol>	8 Hours

MODULE IX	<b>Medical Documentation</b> <ol style="list-style-type: none"> <li>1. The Concept</li> <li>2. The Need</li> <li>3. The procedure of documentation</li> <li>4. Standardized formats</li> <li>5. The advantages and misconceptions</li> <li>6. The importance</li> </ol>	8 Hours
MODULE X	<b>Practical aspects of Consumer Protection Act</b> <ol style="list-style-type: none"> <li>1. The history, spirit behind the formulation of consumer courts, the powers, repercussions and current scenario</li> <li>2. Things to be taken after receiving a notice</li> <li>3. The filing of complaint</li> <li>4. The reply by the doctors</li> <li>5. The rejoinder by the patients</li> <li>6. Recording of evidence</li> <li>7. The arguments</li> <li>8. The judgments</li> <li>9. Appeals</li> <li>10. Out of court settlements</li> </ol>	8 Hours
EXAM- Theory	Two hours objective questions. 40 Questions of 1 marks each. Duration 1.30 hours	
Exam-Practical	Viva voce pertaining to the syllabus prescribed and moot court.	

**8. TEACHING HOURS** : 80 hrs (Saturday & Sunday of each month)

**9. SCHEME OF EXAMINATION FOR EACH SUBJECT (Maximum 100 Marks)**

- a) Internal Assessment : 20 marks
- b) University Examination
  - i. Theory : 40 marks
  - ii. Practical : 40 Marks

**10. RECOMMENDED BOOKS**

- **Legislations :**
- a. The Indian Penal Code, 1860
  - b. The Indian Evidence Act, 1872
  - c. Criminal Procedure Code, 1873
  - d. Mental Health Act, 1987
  - e. Consumer Protection Act, 1987
  - f. The Human Organs Transplantation Act, 1994
  - g. Medical Termination of Pregnancy (MTP) Act, 1971
  - h. Drugs & Cosmetics Act, 1940
  - i. Pharmacy Act, 1946
  - j. Bio-Medical Waste (Management & handling) Rules, 1998

□ **Books :**

1. Medical Jurisprudence - Modi
2. Medical Jurisprudence (cases and materials) - I. Kennedy
3. Constitutional Law of India - J.N. Pandey
4. Criminal Procedure Code - Dhirajlal and Ratanlal
5. Law of Evidence - Avatar Singh
6. Medical Jurisprudence - H.M.V. Cox
7. Law of Medicine - S.V.Joga Rao
8. Medical Negligence - R.K. Bag
9. Forensic Medicine - J.M.Manson
10. Community Participation in Health Care in India- Ashok Sahni
11. Legal Aspects of Medical Practice - Benard Knight
12. Text book on Medical Law, - Michel Davies
13. Law & Medicine - P.M.Bakshi
14. International Medical Care - W.Frandale & JohnFry(Eds)
15. The Theory & Practice of Public Health - W. Hobson (Ed.)5

**11. DECLARATION OF RESULTS**

**a. Criteria for passing – Main subject:** : Min. 50 marks to be scored by a candidate to pass the exam.

**b. Declaration of Class :** Declaration of class is based on following grade system-----

1. above 80 - A++ grade
2. 76 – 80 - A+ grade
3. 71-75 - A grade
4. 66-70 - B+ grade
5. 61-65 - B grade
6. 50-60 - C grade
7. Less than 50 – Fail

**c. Carry-over benefit :**

A candidate who has failed to satisfy the examiners in a course of instruction may be permitted:

- (i) to attend a supplementary examination; or
- (ii) to re-take the prescribed examination or examinations in the following academic year without repeating the course or courses of instruction.