

### Call for papers

Well researched and well documented papers will be permitted for presentation in the National Seminar. The Abstract of the Paper ( not exceeding 300 words) on identified sub-themes along with the registration fee by way of DD should reach at least by 9<sup>th</sup> July 2014. The full paper (between 10 to 25 pages) in MS Word typed in double space on A4 Size shall be sent on or before 17<sup>th</sup> July 2014 to the following mail address:

tndaluhr.seminar@gmail.com

### Registration Fee

Request for registration of delegates should reach Director of the Seminar, the Tamil Nadu Dr. Ambedkar Law University, Chennai -600 028 in the enclosed registration form, along with a demand draft favouring the

'Director of the Seminar' payable at Chennai.  
FacultyMembers/Advocates/others: Rs.500/-  
Research Scholars/Students: Rs.250/-

### Director of the Seminar

**Dr.RAGHUNATH REDDY,**  
Director SOEL and Dean PG Studies,  
The Tamil Nadu Dr. Ambedkar Law University,  
Chennai -600 028

### Co-ordinator of the Seminar

**Dr.D.UMAMAHESWARI**  
Assistant Professor,  
Tamil Nadu Dr.Ambedkar Law University,  
Chennai- 600 028

**Dr.S.RAJALAKSHMI**  
Assistant Professor,  
Tamil Nadu Dr.Ambedkar Law University,  
Chennai- 600 028

### Contact details:

Email : tndaluhr.seminar@gmail.com  
Mobile : 9445176432

### Address for correspondence

**Venue**  
P.G. and R.D. Block,  
The Tamil Nadu Dr. Ambedkar Law University,  
Chennai - 600 028.

## REGISTRATION FORM UGC Sponsored Two Day National Seminar on "Ethico - Legal aspects in Medical Negligence - A Human Rights Perspective".

Name: .....

Sex: Male  Female

Designation: .....

Department/Institution/University:.....

Mobile: .....

Email: .....

Whether presenting paper: Yes  No

Title of the Paper: .....

Accommodation needed: Yes  No  dates.....

Date: ..... Signature

### Details of Payment

Registration Fee amount: D.D. No. Date: Bank:



**THE TAMIL NADU Dr. AMBEDKAR LAW UNIVERSITY**

**CHENNAI - 600028**



UGC  
UNIVERSITY GRANTS COMMISSION

## P.G. Department of Human Rights & Duties Education

**Organises**  
UGC Sponsored  
Two Day National Seminar

on  
*"Ethico - Legal aspects in Medical Negligence  
A Human Rights Perspective"*

on  
**24<sup>th</sup> & 25<sup>th</sup>, July 2014**

### VENUE

Auditorium,  
P.G. and R.D. Block,  
The Tamil Nadu Dr. Ambedkar Law University  
Chennai - 600028

## About the University

The Tamil Nadu Dr. Ambedkar Law University is a premier institution for legal education, established in the year 1997 in pursuance of the Tamil Nadu Act No.43 of 1997. His Excellency Shri.K.R.Narayanan, the then President of India inaugurated it on September, 9, 1997. As a sui generis model, the University is the first of its kind in the country offering legal education both on its campus and through the affiliated law colleges in the State of Tamil Nadu. It is endowed with the authority to grant affiliation to law colleges in the state to promote legal education, to institute Degrees, Titles, Diplomas, other academic distinctions and to pursue higher legal research. All the seven Government Law Colleges and one Private Law College stand affiliated to the Tamil Nadu Dr. Ambedkar Law University. The Tamil Nadu Dr. Ambedkar Law University is imparting legal education both at the Under Graduate and Post Graduate levels besides creating a platform for research work on varying topics of current relevance. In the race for reaching heights in legal education and legal specializations, The Tamil Nadu Dr. Ambedkar Law University is in the forefront with renewed efforts in offering quality education, skills, training on the study of Law and its interdisciplinary subjects. Its triumph is acclaimed with the strength of its dedicated Staffs and Professors under the guidance and leadership of its far-sighted and futurist Honourable Vice-Chancellor *Prof. (Dr).P.Vanangamudi*.

## Human Right –A Vibrant Issue

The concept of Protection of Human Rights flows from the Universal Declaration of Human Rights, 1948, which stands approved on December 12, 1948 by the United Nations. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights have been adopted in 1966 as follow up measures. The Vienna Declaration and Programme of Action adopted on June 25, 1993, declared that "Human Rights and Fundamental Freedom are the birth right of all human beings. Consequently, the Indian Parliament finally passed the Protection of Human Rights Act, 1993, which has seen the establishment of National Human Rights Commission and also several State-level Commissions. "Incidentally, the Preamble of the said 1948 UN Declaration refers to the concept of "human family" wherein it is stated that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family, is the foundation of Freedom, Justice and Peace in the world. This precisely is the philosophy behind the concept of "*VasudhaivKutunzbakam*". India as an independent sovereign nation and a member of United Nation having signed various covenants and recommendations has to abide by the United Nations Charter and as a necessary corollary, by the provisions of the various International Covenants and Declarations.

The world will be wonderful to live if it really consists of men who start ardently believing the world to be "*Vasudhaiv Kutumbakam*". That however does not appear achievable in the near future as there seem to exist in a democratic society where people are living with awful apprehensions.

## Right to Health and Medical Care:

Right to life is guaranteed under Article 21 of the Indian Constitution. The jurisprudence of personhood or philosophy of the right to life envisaged under Article 21 enlarges its sweep to encompass human personality in its full bloom with invigorated health which is a wealth to the workman to earn his livelihood, to sustain the dignity of person and to live a life with dignity and equality. Under Article 47, the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. The Constitution envisages the establishment of a welfare State at the federal level as well as at the State level. In a welfare State the primary duty of the Government is to secure the welfare of the people. Providing adequate medical facilities for the people is an essential part of the obligation undertaken by the Government in a welfare State. The Government discharges this obligation by running hospitals and health centers which provide medical care to the persons seeking to avail these facilities. Article 21 imposes an obligation on the State to safeguard the right to life of every person. Preservation of human life is thus of paramount importance.

One such area chosen for the study in this two day National Seminar is owing to the increasing dissatisfaction on the part of the patients who are expecting more and more from the doctors, leading to increasing incidence of litigation. The medical profession in India is at crossroads facing many ethical and legal challenges in the practice of the profession. The fundamental values of medicine insist that the doctor's obligation is to keep the patients interest above everything else. For several socio-political reasons, a sizeable section of such societies have accusation of violation of basic rights of the patients by the medical professionals which every human being would never cherish. The important issues of autonomy, confidentiality, justice, beneficence, and non mal-efficiency are key factors that should guide the daily decision making by the doctor. Attempts to subdue this evil via legal approach gives rise to the circumstances where national and international community to unite and force all those in power to ensure safeguarding human rights of all human beings, no matter who they are, what they did or where they belong to. The medical profession that was once considered noble is now considered along with other professions in the liability of paying for damages. With this preamble, the various characters, concepts, deeds and issues are proposed to be discussed in this two days UGC sponsored National level seminar on "*Ethico - Legal aspects in Medical Negligence - A Human Rights Perspective*".

## SEMINAR ADDRESSES THE FOLLOWING THEMES AND SUB-THEMES:

### ➤ **Right to health and medical care:**

- Right to life and jurisprudence of personhood.
- Provision of medical services and discharge of constitutional obligation.
- Access to medical treatment.
- Public health-Exploitation of patients.
- Professional obligations to save life and legal impediments.
- Medical malpractice insurance.

### ➤ **Duties of doctor:**

- Duties of doctor and discretion in choosing treatment.

### ➤ **Negligence and malpractice**

- Organ trafficking
- Test of medical negligence
- Error of judgment of doctor
- Commercialisation of the private clinics and hospitals
- Compensation to consumer for injury suffered
- American medical malpractice litigations

### ➤ **Immunity of doctor**

- Immunity to medical practitioner for negligence

### ➤ **Principles of consumerism in medical negligence**

- Patient as consumer
- Beneficiary as consumer.
- Issues under free medical treatment
- Legal representative of deceased as consumer
- Locus-standi of legal representative

### ➤ **Judicial attitude**

- Question of delay or negligence by doctor
- Treatment without consent
- Grounds of compensation and other reliefs

UGC sponsored National level seminar on "*Ethico - Legal aspects in Medical Negligence - A Human Rights Perspective*".invites the innovative views of the experts, researchers, students and all such eminent personalities from various disciplines of Law and Medical Sciences with a common goal of developing scientific, Medico-legal and technology enabled socio-legal solutions for the victims of medical negligence. The seminar will also highlight technological advancements that have aided the field of Medicine as well as law. The seminar aims to give an insight on the importance of human Rights Protection of the victims of medical negligence while addressing some crucial issues associated with the adequateness of the remedies available for the same. We look forward to your gracious presence and contributions in this seminar. On behalf of the Organizing Committee, we assure you that every possible effort will be made to see that your visit to THE TAMIL NADU Dr. AMBEDKAR LAW UNIVERSITY CHENNAI is meaningful, productive and memorable.

## Participation

The seminar requires full day attendance and participation. The last list of selected participants will be announced on 19<sup>th</sup> & 20<sup>th</sup> July 2014. The participants are encouraged to apply early with their name, institution, mobile number and e-mail address in the registration form annexed below. Accommodations will be provided on demand. Requisition for the accommodations should reach the Institution on or before 20th July 2014. No TA & DA will be provided however, hospitality will be taken care of by the organizers. Academicians from the field of Law, medical practitioners, students and allied fields, Justice Practitioners, Members from Judiciary, the NGOs, Lawyers, and students from the disciplines mentioned above and others who are interested are invited to participate.