

MASTER CLASS IV
SPECIAL LAWS RELATED TO HEALTHCARE

Date: May 1st, 2015

Day: Friday

Time: 5.15 p.m. to 6.15 p.m.

Venue: Convention Hall, Symbiosis International University, Lavale, Pune

Speaker: Dr. Sanjay Gupte

INTRODUCTION

Dr. Sanjay Gupte has been in clinical practice for the last 30 years and is considered an authority on medico legal issues in medical practice, his area of expertise. He recently retired as Associate Professor at B. J. Medical College and Sassoon General Hospitals, Pune. He is an advocate for stringent standards in clinical practice. He is a reputed academician with many publications to his credit. It is his dedication that has led to the growth of the Gupte Hospital and Centre for Research in Reproduction.

Dr. Sanjay presented an overview of the Indian judiciary in respect of medical practice, statutory laws, and case laws.

He discussed the laws that apply to medical practitioners in relation to the following:

- Medical Termination of Pregnancy Act (MTP Act)
- PCPNDT Act
- Registration of Birth and Death
- Medical Council of India Act
- Organ transplantation act
- Bombay Nursing Home Registration Act
- Clinical establishment act
- Labour Laws and the Medical Establishment
- Shop & establishment act
- Bio medical waste management act
- Consumer Protection Act

He discussed issues pertaining to genetic clinic and pre-natal diagnostic procedures and the following:

- Who is allowed to open Genetic clinic
- Registration of birth and death

Surrogacy and its ethics: Commercial surrogacy has been legal in India since 2002. There has been a sharp increase in the occurrence of commercial surrogacy arrangement. The speaker discussed surrogacy laws, surrogate mother criteria, risks, and rights and duties in relation to surrogacy.

He stated some land mark cases, including the following:

- Dr. Laxman Balkrishna Joshi vs. Dr. Trimbak Babu Godbole and another AIR 1969 SC 128
- Indian Medical Association vs. V.P. Shanta 1995(6) SCC 651
- Poonam Verma vs. Ashwin Patel & Ors. (1996) 4 SCC 332
- Dr. Sr. Louie and Anr. vs. Smt. Kannolil Pathumma & Anr.
- Pt. Parmanand Katara vs. Union of India & Others AIR 1989 SC 2039
- Spring Meadows Hospital & Another vs. Harjot Ahluwalia thr' K.S. Ahluwalia & Another (1998) CPJ 1
- State of Punjab v/s Shiv Ram (2005) Dec CPJ
- Rashmi Vora v. Arunaben D. Kothari (2005) Dec CPJ