

SRI VENKATESWARA UNIVERSITY : TIRUPATI

Dept. of Law

3 YEAR LL.B Degree Course

II SEMESTER

HarvardX: Bioethics;: The Law, Medicine, and Ethics of Reproductive Technologies and Genetics.

Edx online Course

Syllabus

(Effective from the batch of students those who are in second semester in the year 2024)

(An introduction to the study of bioethics and the application of legal and ethical reasoning)

Course Description:

Bioethics provides an overview of the legal, medical, and ethical questions around reproduction and human genetics and how to apply legal reasoning to these questions.

This law course includes interviews with individuals who have used surrogacy and sperm donation, with medical professionals who are experts in current reproductive technologies like In Vitro Fertilization and Preimplantation Genetic Diagnosis, and bioethicists and journalists who study the ownership and use of genetic information within human tissue.

While the law and ethics surrounding these technologies are a central component to this course, we also show you examples of the deeply personal and human side of these issues. Throughout the course, and with the help of law students, we will discuss leading legal cases in this field, which will illuminate the types of questions the law has struggled with – stretching and evolving over time. From the famous Baby M surrogacy case, to cases on the paternity of sperm donors, to a case related to the ownership of human tissue turned into a commercial product, and others. We will show you the ethical, legal, and rhetorical underpinnings, which have served as the basis for various court decisions over the past 20 or 30 years. We will also explore potential future technologies and their implications for society: Genetic enhancements to increase our intelligence, let us live a hundred years longer, or make us immune to diseases – and the possibility of creating animal-human hybrids, for example a mouse with a humanized brain.

The content within this course is intended to be instructive, and show how legal reasoning has been applied, or could be applied, to questions related to parenthood, reproduction, and other issues surrounding human genetic material. The material organized within this course should be considered an authoritative overview, but is not intended to serve as medical or legal advice.

What You Will Learn:

- How the reproductive technology industry works, and issues raised related to buying and selling human reproductive materials.

- The law and ethics of surrogacy.
- Civil lawsuits when things go wrong with reproductive technology: wrongful birth and wrongful life lawsuits.
- The law and ethics of sperm donation and the legal status of sperm donors.
- Ethical and legal issues raised by human enhancement.
- The law and ethics of mixing human and animal genetic material.
- The ownership of human tissue and its underlying genetic information.

SYLLABUS

Chapter 1: Buying and Selling Reproductive Materials.

Identify the major technologies, terms, and concepts relevant to understanding the buying and selling of reproductive materials. Identify key moral objections and potential legal solutions commonly applied to buying and selling eggs, sperm, and embryos. Discuss the moral objections and legal solutions to buying and selling reproductive goods as compared to other taboo trades (selling organs, prostitution, etc.).

Chapter 2: Surrogacy

Identify the major terms and concepts relevant to understanding surrogacy. Evaluate the degree to which surrogacy contracts should be legally enforceable. Discuss the legal reasoning behind real and hypothetical surrogacy cases, including cases of embryo mix-ups.

Chapter 3: Wrongful Life and Wrongful Birth

Identify major terms and concepts from the law in this area such as damages, remedies, and liabilities. Identify the difference between claims to wrongful birth and wrongful life. Discuss issues with employing the conception of “harm” or “best interests” to reproduction.

Chapter 4: Sperm Donation

Discuss when can a sperm donor be held to be the legal father of, or assert such fatherhood over, children produced from his genetic material. Identify and discuss key similarities and differences among related cases involving sperm donation.

Chapter 5: Sperm Donor Anonymity

Identify and discuss key ethical debates related to anonymous sperm donation. Understand the way various countries around the world do or do not permit anonymous sperm donation. Identify the rights of donor-conceived children. Discuss obligations of anonymous sperm donors to support the resulting child.

Chapter 6: Enhancement

Identify and evaluate different types of pre-birth and post-birth human enhancements. Discuss legal options available to regulate limit, or expand enhancements. Evaluate the difference between enhancing oneself versus choosing enhancements for another, such as a child.

Chapter 7: Human-Animal Hybrids and the Control and Ownership of Human Tissue and Genetic Information.

Identify and discuss seven different examples of human-animal hybrids and the moral and ethical ideas that suggest regulating, limiting, or expanding hybrids. Discuss key issues related to the control, ownership, and use of human tissue and its underlying genetic information. Identify key terms relevant to theories of.



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Model Question Paper

(Effective from the batch of students those who are in second semester in the year 2024)

Time:

Max Marks = 40

1. When did The Assisted Reproductive Technology (Regulation) Act, was passed

- A) 2018
- B) 2019
- C) 2021
- D) 2023

2. Which section deals with the "Rights of child born through Assisted Reproductive Technology" under ART Act?

- A) 30
- B) 29
- C) 33
- D) 31

3. The Bio Ethics science suggests that health care has moved, historically, to respect for autonomy from which model?

- A) Engineering
- B) Contractual
- C) Priestly
- D) Covenant

4. The Bio-ethical Principle and the Rational Choice Principle are principles that mainly guide

- A) Physicians
- B) Patients
- C) Insurance Companies
- D) Surrogates

5. Primum Non Nocere means

- A) First, do no harm
- B) First, do not listen
- C) Never be the first
- D) The higher, the fewer

6. What is required for maintaining human dignity, or remaining human, in bio-ethics language is called ___

- A) A good
- B) A necessary good
- C) An obligatory good
- D) A transcendental good

7. The physician should do what is medically indicated, do good than possible harm. That is called the ___

- A) Hippocratic oath
- B) Medical Nonmaleficence Principle
- C) Medical Indications Principle
- D) Physician's Code

8. According to the ethical principles, the benefits that Doctors are obliged to provide as healthcare professionals are specified in part by ___

- A) Upbringing and personal values
- B) Relationship, role, and agreements
- C) Employer, the law, our conscience
- D) Contract with the hospital or clinic

9. Granted informed consent ethically means:

- A) The physician/surgeon should do what is medically indicated, and ought to be for the good for the patient and cause no harm
- B) Patient consents to accept any complication
- C) Patient and family signed to accept and complication including death as outcome of treatment or surgery
- D) It is a routine procedure in the hospital

10. The principle of Double Effect ethically means:

- A) It is acceptable to knowingly cause harm in pursuit of some good
- B) It is not acceptable to knowingly cause harm in pursuit of some good

- C) It is a principle of diminishing returns
- D) It is the Principle of Utility

11. Which Section in Indian Penal code deals with Unnatural offences

- A) 376
- B) 354
- C) 377
- D) 369

12. The newly drafted Surrogacy (Regulation) Bill permits surrogacy for the parents:

- (a) who have been married for five years and can't have children naturally.
- (b) who lack access to other reproductive technologies.

- A) Both (a) and (b) are false.
- B) (a) is true and (b) is false.
- C) (b) is true and (a) is false.
- D) Both (a) and (b) are true.

13. What does the Surrogacy (Regulation) Bill, 2016 prohibit?

- A) Women aged between 23 to 50 as surrogates
- B) Married women as surrogates
- C) Divorced women as surrogates
- D) Commercial Surrogacy

14. What is the Eligibility to be a surrogate mother

- A) She can act as a surrogate mother only thrice in her lifetime and with only five attempts of procedure is allowed.
- B) A married woman of the age of 25 to 35 years on the day of implantation, with a child of her own, can be a surrogate mother.
- C) The woman should not give a written informed consent for the purpose but she has to be medically and psychologically fit.
- D) Charges including medical expenses can be given to the surrogate mother or her dependents or her representative by the intending couple or woman.

15. Which of the following pairs are correct?

1. Gestational Surrogacy: Surrogate mother is genetically related
2. Traditional Surrogacy: Surrogate mother is not genetically related

- A) Only 1

- B)Only 2
- C)Both
- D)None

16. During which session of the United Nations Human Rights Council in March 2018, the Special Rapporteur presented a thematic report on surrogacy and the sale of children.

- A)36th Session
- B)37th Session
- C)38th Session
- D)40th Session

17. The case which brought attention to the issue of commercial surrogacy in India and the need for clearer laws and regulations around surrogacy agreements is

- A)Baby Manji Yamada v. Union of India
- B)Jan Balaz v. Anand Municipality
- C)H Siddaraju & ANR v. Union of India & others
- D)K.Kalaiselvi v. Chennai Port Trust

18. A couple is allowed to go for surrogacy to become parents only when:

- A)At least 7 years have been passed of having been married.
- B)There is no obligation on couple to prove the essentiality and incapability of fertility by showing a certificate of it.
- C)They have to also undertake that abandonment of the child born out of surrogacy will be done by the intending parents.
- D)The eligibility criteria for the same requires a Certificate of Essentiality for couples and a certificate of eligibility for couples, issued by the authorities as stated under the act.

19. In which case, the court held that Article 21 of the constitution guaranteed the personal liberty under which the right of women to make a reproductive choice also lies, and along with that it also includes various other rights like Women has the right to carry a pregnancy to its full term, to give birth, and these rights form part of women's right to privacy, dignity and bodily integrity.

- A)Baby Manji Yamada v. Union of India
- B)Suchita Srivastava v. Chandigarh Administration
- C)Jan Balaz v. Anand Municipality
- D)Sanskriti yadav v. Union of India

20. Under which sections of the ART Act and the Surrogacy Act stipulate the constitution of an ART and Surrogacy board in all states and Union territories.

- A) Section 8 of ART Act and Section 23 of Surrogacy Act
- B) Section 11 of ART Act and Section 29 of Surrogacy Act
- C) Section 6 of ART Act and Section 26 of Surrogacy Act
- D) Section 9 of ART Act and Section 30 of Surrogacy Act

21. Under Section 33 of ART Act, Any medical geneticist, gynaecologist, registered medical practitioner or any person shall ___

- (a) not abandon, disown or exploit or cause to be abandoned, disowned or exploited in any form the child or children born through assisted reproductive technology,
- (b) sell human embryos or gametes, run an agency, a racket or an organisation for selling, purchasing or trading in human embryos or gametes
- (c) import or help in getting imported in whatsoever manner, the human embryos or human gametes with the permission of National Board to the countries with high infant Mortality rate
- (d) Not exploit the commissioning couple, woman or the gamete donor in any form

- A) c and d are correct
- B) b and c are correct
- C) a, c and d are correct
- D) a and d are correct

22. Which of the following is wrong statement regarding “Sourcing of gametes by assisted reproductive technology banks” ___

- A) The screening of gamete donors, the collection, screening and storage of semen; and provision of oocyte donor, shall be done only by a bank registered as an independent entity under the provisions of ART Act.
- B) The banks shall obtain semen from males between twenty-three years of age and fifty-five years of age, both inclusive and to obtain oocytes from females between twenty-one years of age and forty-five years of age
- C) A bank shall not supply the sperm or oocyte of a single donor to more than one commissioning Couple
- D) An oocyte donor shall donate oocytes only once in her life and not more than seven oocyte shall be retrieved from the oocyte donor.

23. While using human gametes and embryos, the duties to be performed by the ART clinics and banks shall be —

- A) The collection of gametes posthumously shall not be done even if prior consent of commissioning couple is available
- B) not more than three oocytes or embryos may be placed in the uterus of a woman during the treatment cycle in such manner as may be specified by regulations
- C) a woman shall be treated with gametes or embryos derived from more than one man or woman during any one treatment cycle;

D) the embryos shall be split and used for twinning to increase the number of available embryos.

24. The Surrogacy (Regulation) Act, 2021 contains how many sections

- A) 48 Sections
- B) 52 Sections
- C) 45 Sections
- D) 54 Sections

25. Which section of Surrogacy Act deals with Prohibition of Commercial surrogacy, exploitation of surrogate mothers and children born through surrogacy ___

- A) 36
- B) 37
- C) 38
- D) 39

26. "Registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in

- A) clause (f) of Section 2 of the Indian Medical Council Act, 1956
- B) clause (h) of Section 2 of the Indian Medical Council Act, 1956
- C) clause (g) of Section 2 of the Indian Medical Council Act, 1958
- D) clause (h) of Section 2 of the Indian Medical Council Act, 1958

27. The Constitution of National Assisted Reproductive Technology and Surrogacy Board shall consist of ___

- (a) the Minister in-charge of the Ministry of Health and Family Welfare, the Chairperson, ex officio
- (b) the Secretary to the Government of India in-charge of the Department dealing with the surrogacy matter, Vice-Chairperson, ex officio
- (c) Five women Members of Parliament, of whom three shall be elected by the House of the People and two by the Council of States, Members, ex officio
- (d) the Director General of Health Services of the Central Government, Member, ex officio

- A) a, b and c are correct
- B) a, c and d are correct
- C) b, c and d are correct
- D) a, b and d are correct

28. Punishment for not following altruistic surrogacy under Surrogacy (regulation) Act ___

- A) Imprisonment for a term which may extend to 5 years and with fine which may extend to 5 lakh rupees for the first offence and for any subsequent offence with imprisonment which may extend to 10 years and with fine which may extend to 10 lakh rupees.
- B) Imprisonment for a term which may extend to 3 years and with fine which may extend to 3 lakh rupees for the first offence and for any subsequent offence with imprisonment which may extend to 7 years and with fine which may extend to 7 lakh rupees.
- C) Imprisonment for a term which may extend to 7 years and with fine which may extend to 5 lakh rupees for the first offence and for any subsequent offence with imprisonment which may extend to 10 years and with fine which may extend to 10 lakh rupees.
- D) Imprisonment for a term which may extend to 5 years and with fine which may extend to 5 lakh rupees for the first offence and for any subsequent offence with imprisonment which may extend to 7 years and with fine which may extend to 10 lakh rupees.

29. Under which section of the Surrogacy Act deals with the "Cancellation or suspension of Registration"

- A)11
- B)12
- C)13
- D)14

30. Sex selection under The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 is defined in

- A) clause (o) of Section 2
- B) clause (f) of Section 2
- C) clause (m) of Section 2
- D) clause (i) of Section 2

31. The Medical Termination of Pregnancy Act, was passed in the year

- A)1970
- B)1971
- C)1972
- D)1976

32. IUI Full form

- A) Intra umbilical Insemination
- B) Intra ureteropelvic Injunction
- C) Intra uterine Insemination
- D) Intra uterine Injunction

33. Clinical Establishment (Registration and Regulation) Act, was passed in the year

- A)2008
- B)2009
- C)2010
- D)2012

34. The transplantation of living cells, tissues or organs from one species to another is called

- A)Xeno transplantation
- B)Auto transplantation
- C)Iso transplantation
- D)Allo transplantation

35. Section 5 of the Surrogacy (Regulation) Act, deals with___

- A)Regulation of surrogacy and surrogacy procedures
- B)Prohibition of conducting surrogacy
- C)Prohibition to abandon child born through surrogacy
- D)Number of oocytes or human embryos to be implanted

36. Section 28 of the Assisted Reproductive Technology (Regulation) Act, deals with.

- A)Sourcing of gametes by assisted reproductive technology banks
- B)Storage and handling of human gametes and embryos
- C)Restriction on sale, etc., of human gametes, zygotes and embryos
- D)Research on human gametes and embryos

37. A sperm donor goes through a screening process before becoming eligible as a donor.
Which of the following requirement is wrong ___

- A)Donors have to be screened for communicable diseases such as HIV, hepatitis, gonorrhoea, and syphilis
- B)Sperm from anonymous donors must remain quarantined for at least six months until the donor is rescreened for these diseases and the results of such tests come negative
- C)A donor's semen quality must be evaluated, which can take some time. This is why some banks continue to analyze sperm for infectious diseases for at least six months
- D)The age of sperm donor must not be below 18 years of age or above 60 years

38. Section 2 clause (g) of The Assisted Reproductive Technology (Regulation) Act, deals with

- A)Embryo
- B)Gynaecologist
- C) Commissioning Couple
- D)Gamete

39. In which case the Supreme Court emphasized that a healthy body is the very foundation of all human activities.

- A) Vincent v. Union of India
- B) State of Punjab v. M.S. Chawla
- C) Parmananda Katara v. Union of India
- D) Paschim Banga Khet Mazdoor Samity v. State of West Bengal

40. What does "Mutatis Mutandis" mean?

- A) with Unnecessary changes
- B) without any changes
- C) with necessary changes
- D) for consideration



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