**International Journal of Allied Medical Sciences and Clinical Research (IJAMSCR)**

***IJAMSCR |Vol.12 | Issue 2| Apr - June -2024***

**www.ijamscr.com**

**ISSN: 2347-6567**

DOI : https://doi.org/10.61096/ijamscr.v12.iss2.2024.155-158

**Review**

# Legal Medicine and its holistic evolution in medical practice: An update

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Published on: 17 May 2024

Published by:
DrSriram Publications

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## Abstract

The medical profession is one of the honourable professions in the world. The practice of medicine can render noble facility to humankind provided due care, honesty, efficiency, and professional skill is observed by the medical professional. Acquaintance of medicolegal issues, laws related to the medical practice and medical ethics, which were not taken seriously earlier by the health professionals, has made them more susceptible to litigations. Apart from clinical cases, every medical professional will encounter certain 'Medico-legal' problems at one time or the other during his or her practice. The general myth is that only government hospital doctors would be involved with such type of medicolegal cases has now been dissipated by the recent judgements of the Hon'ble courts, predominantly by the Supreme Court of India. Purpose of this article deliberates some of the common practical medicolegal issues involved in these cases.

**Keywords:** Medical profession, Medicolegal issues, Medico-legal cases, Courts

## INTRODUCTION

Medicolegal cases (MLC) are an integral part of medical practice that is frequently encountered by medical professionals. A medico-legal case is a case of injury/ illness where the attending doctor, after eliciting history and examining the patient, thinks that some investigation by law enforcement agencies is essential to establish and fix responsibility for the case in accordance with the law of the land.[1] Just simply, a medical case with legal allegations or a legal case requiring medical knowledge. Thus, a medico-legal report is one, which is prepared for the purpose of proceedings - imminent or forthcoming. The responsibility to label any case as an MLC is lies on the attending medical practitioner. The decision is easy in the first two instances but the doctor has to use his judgment when the person comes on his own and the history is not completely revealed, either by

the patient or his relatives/ friends, due to some motive. When a person has been referred from another hospital, which has already registered a medico-legal case, the same may be informed to the nearest police station; however, a fresh medico-legal case need not be registered. When a patient is to be referred to another hospital for further management, he should be issued a referral letter detailing the treatment given and whether the case was registered as an MLC or not.[2]

**A treating doctor can obtain a medico-legal case in any of these situations mentioned below**

a. On the request of the patient for medicolegal examination and preparing MLC.
b. A case is brought by the police official for examination and preparing the medicolegal certificate.
c. Already registered as medicolegal case in any hospital and the person is now referred for expert opinion/treatment.
d. After taking history and thoroughly examination, if the doctor feels that the circumstances/ findings of the case are such that registration of the case as an MLC is warranted, he should immediately inform the patient of the same and take his consent for converting the case into MLC.
e. Order by the Hon'ble court.[3]

**How to register a medico-legal case?**

Primary responsibility of a medical doctor (Both in Government set up or in Private set up) is to save the life of the patient. He should do everything possible to resuscitate the patient and confirm that the patient is out of danger. All legal formalities stand suspended till this is attained.

The next most significant duty is to identify, after carefully examining the injuries on the patient, the history given by himself or by his or her relatives and the other circumstances of the case; whether the said case is medicolegal or not. If it does fall in medicolegal category, then he must register the case as a medicolegal case and/ or police information sent to the nearest police station, either by telephonically or in writing. An acknowledgement of receipt of such sent message should be taken for future reference.[2]

According to the Hon'ble Supreme Court, "whenever any medico-legal case comes to the hospital, the medical officer on duty should inform the Duty Constable, giving the name, age, sex of the patient and the place of occurrence of the incident and should start the treatment of the patient. It will be the duty of the said Constable to inform the nearest concerned police station or higher police functionaries for further action".[4]

Every government medical college or big hospitals usually have either a police post at the casualty or has a police official posted there for this purpose. Police should also be informed regarding the discharge/ death of the said patient in the trauma centre/Casualty or any other department of the hospital/medical college only in medicolegal cases.

A medico-legal register should be maintained in the trauma centre and emergency department of every hospital and details of all medico-legal cases should be entered in this register, including the time and date of examination and the name of the doctor who is dealing with the case. This would help for future reference, when the patient through the court/ the police officials, requests for a copy of the medicolegal report.

**Different types of cases that are to be treated as medico-legal**

The following cases should be considered as medico-legal and as such the medical officer is "duty-bound" to intimate to the police regarding such cases:

All injuries and burns cases- the circumstances of which suggest commission of an offence by somebody.

1. Cases of suspected or evident sexual assault.
2. Cases of suspected or evident criminal abortion.
3. Cases of unconsciousness where its cause is not natural or not clear.
4. Cases of suspected poisoning.
5. Cases referred from court or otherwise for age estimation.
6. Cases brought dead with improper history creating suspicion of an offence.
7. Cases of suspected self-infliction of injuries or attempted suicide.
8. Cases brought dead with improper history creating suspicion of an offence. In such type of cases (brought dead) only police information was sent to the nearest police station.
9. Cases of asphyxia due to hanging, strangulation, drowning, suffocation etc.
10. Death in the operation theatre.
11. Any other case not falling under the above groups but has legal allegations.[3]

**Is any time limit for registering a medico-legal case?**

- As soon as possible and no unnecessary delay in registration of medicolegal case.
- A case may be registered as an MLC even if it is brought several days after the episode.

- Inform the police as a doctor suspects any foul play or feels it is necessary to inform the police.

**What types of Precautions to be taken by the medical officers?**

- Consent- Valid
- Professional secrecy
- Medico-legal reports (MLR)- (Prepared immediately after the examination is done.)
- Maintained chain of custody (Taking samples and their preservation)- Proper labelling and sealed under the doctor's supervision
- Requisition letter detailing the tests to be conducted on such samples
- No letter should be given if the samples have been collected on the request of the police. Write in the MLC.[5]

**Custody of the Records**

The records should be kept under lock and key, in the custody of the doctor concerned or may be kept in a Central Record Room, in hospitals where such facility is available; as per the institution's rules. Most hospitals have a policy of maintaining all medico-legal records for variable periods. However, as per law, there is no specified time limit after which the MLRs can be destroyed. Hence, they must be preserved. In view of the multitude of cases against the doctors under the Consumer Protection Act, it is advisable to preserve all the in-patient records for a period of at least 5 years and OPD records for 3 years.[6]

**Admission and discharge in case of Medicolegal case**

- Information sent to the nearest police station at the earliest.
- Whenever a patient (MLC case) discharging or referring the patient, care should be taken to see that he/she receives the discharge card/referral letter properly, complete with the summary of admission, the treatment given in the hospital and the instructions to the patient to be followed discharge.
- In case of failure to do so renders the doctor liable for "negligence" and "deficiency of service".
- Sometimes the patient, registered as a medico-legal case, may abscond from the hospital. Police information must be immediately to the nearest police station, the moment such an illustration comes to the notice of the doctor/ hospital staff.[2]

**In case of death of a person admitted as a medico-legal case**

- Police information sent to the nearest police station immediately.
- Sent body to mortuary for preservation and post-mortem examination.
- Do not issue a death certificate - even if the patient was admitted.
- Do not handover the body to the next to kin after post-mortem examination. It should only be handed over to the police.

## CONCLUSION

Medico-legal cases have to be dealt with properly, following the institution's prevailing guidelines. Proper documentation, timely information, a methodical and thorough examination-including all relevant investigations and referrals, etc, are all that are necessary to see such cases through, successfully. Compulsory one month rotatory posting (Intern/ as well as causality posting doctors) in Forensic Medicine Department should be introduced in their training period to increase the awareness and knowledge about medico legal issues. Also, Medical associations should try to organize seminars, case discussions and CMEs for interns and post graduates to increase awareness and to update them about Medico legal issues in medical practice. Doctors must follow the guidelines provided in their practice. This will help them have a trouble free and a peaceful time while working. Guidance and awareness are necessary among health professionals to raise the quality of service they provide and to protect themselves from the troubles and difficulties they might face in their practice. Use of apology, clinical guidelines and proper documentation are some of effective methods of reducing court cases against medical practitioners. Use of these strategies may reduce chances of healthcare delivery to be another corporate activity measured in its contribution and successes in terms of losses and gains.

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