Medicolegal Responsibilities of General Practitioner

Dr. Barkha Gupta
Time frame to label case as Medicolegal case is

1. One day
2. One week
3. One month
4. Anytime
A boy attempts suicide. He is brought to a private doctor and he is successfully cured, the doctor should:

1. Inform police
2. Not required
3. Report to magistrate
4. Refer to a psychiatrist
Doctors role in noting dying declaration is to:

1. Ascertain compos mentis
2. Call the magistrate
3. Elicit information by leading questions
4. Ask the investigating medical officer to be there
Is consent from patient required in medicolegal cases for reporting to the police?

1. Yes
2. No
Is it mandatory to take consent of the victim of sexual assault for examination?

1. Yes
2. No
WHAT ACTUALLY IS A MEDICO-LEGAL CASE?

- As a case of injury or ailment, etc., in which investigations by the law-enforcing agencies are essential to fix the responsibility regarding the causation of the said injury or ailment.
- It is a medical case with legal implications for the attending doctor where the attending doctor, after eliciting history and examining the patient, thinks that some investigation by law enforcement agencies is essential.

The responsibility to label any case as a MLC rests solely with the attending medical practitioner.
DIFFERENT SITUATIONS

1. After history taking and thorough examination, if the doctor feels that the circumstances/ findings of the case have legal implications

2. The case is brought by the police or referred by a court for examination and reporting

3. The case was already attended to by a doctor and an MLC was registered in the previous hospital, and now he/she is referred for further management/ advice
1. Assault, including domestic violence and child abuse
2. Accidents like Road Traffic Accidents (RTA), industrial accidents etc.
3. Cases of trauma with suspicion of foul play
4. Electrical injuries
5. Poisoning, Alcohol Intoxication
6. Undiagnosed coma
7. Chemical injuries
8. Burns and Scalds
9. Sexual Offences
10. Criminal abortions
11. Attempted suicide
12. Cases of asphyxia as a result of hanging, strangulation, drowning, suffocation etc.
13. Custodial deaths
14. Death in the operation theatre
15. Unnatural deaths
16. Death due to Snake Bite or Animal Bite
17. Fire Arm injuries
18. Drug overdose
19. Drug abuse
20. Dead brought to the Emergency Dept.
TIME LIMIT FOR REGISTERING A MEDICO-LEGAL CASE

- It should be registered as soon as a doctor suspects foul play or feels it necessary to inform the police, at any time after admission.
- A case may be registered as an MLC even if it is brought several days after the incident.

No backdate MLC should be made
Resuscitate the patient
Inform Police
Take consent
Do examination & treatment
Proper documentation
Collection and preservation of specimen.
In the casualty, while attending to a patient, we should understand that our first priority is to save the life of the patient.

Supreme Court ruling in Parmanand Katara case 1989: "Medico legal aspects are secondary to life of patient."

ALL LEGAL FORMALITIES STAND SUSPENDED TILL THIS IS ACHIEVED
HOW TO INFORM THE POLICE

• By telephone – DD No.
• By Police information register

* U don’t need consent to label the case ML or for information to the police *
Sections dealing with non compliance:

- Sec. 176 IPC
- Sec. 177 IPC
- Sec. 201 IPC
- Sec. 202 IPC
Should always be taken before examining and treating a patient except in emergency.

For examination there is an implied consent, But for more than examination and to be valid, the consent must be competent, freely given, informed, expressed and specific to the procedure being performed.
In medico legal cases, an informed consent includes information that:

1. The examination to be conducted would be a medico legal one and would culminate in the preparation of a medico legal injury report,

2. All relevant investigations needed for the said purpose would be done, and

3. The findings of the report may go against the patient if they do not tally with the history given (very important)
“However, a person arrested is accused in a criminal offence may be medically examined without his/her consent on the request of a police officer (of a rank of Sub-Inspector or higher) or on the orders of the court, if there are sufficient grounds to believe that such examination will provide evidence of the commission of the offence”
SECTION 53(2) CRPC

It is preferable that in a case of **victim of sexual assault** a lady doctor should examine her, or, wherever this is not possible, a female disinterested attendant (a nurse, for example) should be present during the examination.
• Should be maintained in the casualty of every hospital and details of all medico-legal cases should be entered in this register
• Even if there is no MLC register findings can be noted on plain paper with complete documentation.
**SHARDHA HOSPITAL &
SCHOOL OF MEDICAL SCIENCES & RESEARCH**
Plot No. 32, 34, Knowledge Park-III, Greater Noida - 201306 (U.P.)

**MLC No.**

<table>
<thead>
<tr>
<th>NAME OF THE PATIENT</th>
<th>Mr. Shailabh</th>
</tr>
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<tbody>
<tr>
<td>S/O/D/O W/O</td>
<td>Mr. Sudesh</td>
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</table>

**DATE & TIME**

OF ARRIVAL: 1:30 P.M. on 26/10/2015
OF ACCIDENT: 10 AM on 25/10/2015
OF ADMISSION: 1:30 P.M. on 26/10/2015
OF DISCHARGE: 8:30 AM on 4th Nov. 2015
PLACE OF ACCIDENT: Standard Chartered Bank, Noida
DATE & POLICE DOCKET NO.: C.P. NUMBER: 43 4426

**HISTORY AND PHYSICAL EXAMINATION**

- History given by patient himself
- Cuts & bruises on both lower limbs
- O/E: conscious, awake
  - P.R.: 42/130mm
  - R.B.P.: 120/80mm
  - A.E.: Normal
  - O.S.: Normal
- Cheek, neck, trunk: No injury
- Cervical spine: Normal
- C.T.: Normal
  - U/E: Edema around right knee
- X-ray: Normal

**ORDER & TREATMENT**

- C.E.
  - Analgesic & anti-inflammatory
  - Siphon 1 gorm 1 gm 3 times daily
  - Liquid diet
  - X-ray: Left Knee
  - X-ray: Right Knee
  - X-ray: Pelvis
  - X-ray: Chest

**CAUSE OF INJURY:** BLUNT INJURY

**NAME OF THE EXAMINING MEDICAL OFFICER:** Dr. Neeraj Gupta
TIME OF INJURY: 08:00

**MARK OF IDENTIFICATION:**

1. Male over 22 cm[v] 9 inches
2. [Mark of identification]

**SPACE FOR PARTICULARS AS TO FURTHER REFERENCE OF CONSTABLE**

**ATTESSED THUMB IMPRESSION**

[Signature]

**NATURE OF INJURIES:** Simple/Healing

**SIGNATURE:** Dr. Neeraj Gupta

[Assessment]
Accordingly, a medico-legal report is one, which is prepared for the purpose of litigation - imminent or prospective

- Medico legal report (MLR) should be prepared immediately after the examination of a medico legal case is done

- It should be prepared in duplicate, in a clear and legible handwriting

- Personal particulars, identification marks, finger prints of the individual will be noted. Particulars of the person accompanying the patient will also be noted.
- Cutting/overwriting etc. should be avoided as much as possible and all corrections should be properly initialed.
- Abbreviations of any sort should be avoided.
- Ideally two identification marks should be noted.
- Thumb impression should be taken (Male-Lt, Female-Rt, Infant-Foot).
- Witnessed signatures of the patient can help in identification.
- All investigation forms, X-rays, Case file, etc. should bear the label "MLC" on the top, so that necessary precautions can be taken by all concerned.
Whenever a medico-legal case is admitted or discharged, the same should be intimated to the nearest police station at the earliest.

While discharging or referring the patient, care should be taken to see that he receives the Discharge Card/Referral Letter, complete with the summary of admission, the treatment given in the hospital and the instructions to the patient to be followed after discharge.

Patient, registered as a medico-legal case, may abscond from the hospital. Police have to be immediately informed,
Medico-legal documents should be considered as **confidential records** and should be stored under safe custody to avoid tampering.

Medical records must be thorough, complete and should document each and every significant event in the course of care of the patient.
GUIDELINES FOR PRESERVATION OF MEDICO-LEGAL EVIDENCE

- All evidences should be identified, sealed and labeled properly.
- They should be kept in safe custody and handed over to the investigating officer of the case after taking receiving of the same.
- All evidence collected should be mentioned in medico-legal documents to establish the chain of custody in a court of law subsequently.
- The evidence required to be preserved is related to the nature of a case.
• It should be recorded in all serious medico legal cases
• Doctor should certify *compos mentis* in all the situations
DEATH OF A PATIENT ADMITTED AS A MEDICO LEGAL CASE

- Inform the police immediately
- Do not hand over body to relatives
- Send the body to the hospital mortuary for preservation & post mortem examination.
- MLC and Evidence samples to be handed over to police
Do not issue death certificate or hand over the dead body to the relatives of the deceased

Inform the police immediately

Send the body to the hospital mortuary for preservation & Post Mortem examination.
The documentation should include complete description of the injury.

Diagrams, body maps or photography are helpful in reconstructing injury patterns in subsequent investigations or at autopsy.

Clothing worn by the patient showing evidence of injury

Bullets recovered from a body should be marked by etching.

Opinion on severity of injuries should be given after the X-ray reports are received in cases of injury to bones / joints.
Assess the percentage of Burns.  
What is causative agent?  
Any injury associated with it.  
Articles soiled with inflammable substances like burnt pieces of clothing, scalp hair etc.  
Blood (and not serum) for carbon-monoxide levels.
CASE OF SEXUAL ASSAULT

- Consent
- Privacy
- Presence of female
- Local examination
- Clothing worn by the patient and showing evidence of blood stains or seminal stains, stains of mud, tears/cuts etc.
- Vaginal swab preferably from posterior fornix / anal swab.
CASE OF POISONING

- ABCD
- Gastric Lavage
  - First washing only by plain water
- Preservation of Gastric lavage / gastric contents / vomitus and soiled clothing
- Preservation of Blood, urine and any other relevant body fluid depending on the poison ingested.
Your Opinion Counts

- Should be based on facts observed by you.
- Cause of Injury
- Type of Injury
- Time since injury
Take Home Message

- Proper documentation,
- Timely information,
- A methodical and thorough examination-including all relevant investigations and referrals
THANK YOU!