

Original Research Paper

Critical analysis of medico-legal report writing by medical students

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Article History:

Received on - May 13, 2019

Received in revised form - May 19, 2019

Accepted on - May 20, 2019

Abstract:

The present study was conducted to assess the level of medicolegal knowledge of the undergraduate medical students in writing medicolegal reports on crimes involving human body after completing their theory and practical course under syllabus and as a general overview after study and observation, it was concluded that in about twenty five percent of the students, their knowledge was not satisfactory and up to the desired levels which needs more exposure of the undergraduate medical students in examination of medicolegal cases in the interest of justice later on when actually put on duties as medico-legal experts.

Key Words:

Medico-Legal Report, Registered Medical Practitioner, Forensic Medicine, Consent, Identification Mark, Negligence.

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Introduction

Medico Legal Report is a document prepared by a registered medical practitioner, usually in criminal cases, such as assault, rape, murder, poisoning, etc. in response to a requisition from a law enforcement authority. It is meant for the guidance of the investigating officer, later on to be produced in a court of law and is subject to cross examination by the opposing counsel. A medical student after completing under graduation in allopathic system of medicine and after getting registered with the state medical council, is authorized to examine a medicolegal case and prepare report for which he is taught theory in the subject of forensic medicine and toxicology and given practical training in the form of examination of the medicolegal cases and writing down the reports in practical note book. The practical knowledge of the student is examined during final examination and the level of achievement of the latest passed out batch in forensic medicine subject is being assessed in this article.

Material & Methods

Practical exercise on medicolegal reporting of live cases of assault, burns, poisoning etc. of 100 medical students who appeared in final practical examination in the subject of Forensic Medicine and Toxicology in the year 2018 in Government Medical College Patiala, was taken as the subject material and assessed content wise dividing the whole exercise under the following heads:

- a. Introductory part whether satisfactory or not.
- b. Consent part satisfactory or not satisfactory.
- c. Noting the identification marks
- d. Knowledge of description depending on the type of case.
- e. Medicolegal investigation recommendation
- f. Final opinion writing

All the cases under subject were assessed under various heads as above and subjected to critical analysis to know the practical knowledge of the student in writing the medicolegal reports with the aims and the objective to suggest the ways to improve and make strategy for further update the knowledge of the students in the subject and at the same to assess the seriousness in approach of the undergraduate students in the subject of forensic medicine and toxicology.

Results and Observations:**a. Introductory part whether satisfactory or not**

Introductory part in the medico-legal report involves name of the case being examined with complete address in case of known persons, date and time of arrival, name and address if possible of the persons who have brought the case or are accompanying, place of incidence and other introductory parameters.

In the present study, description of the introductory part of the reporting was satisfactory in 94 students (94 percent) and was not up to the mark or unsatisfactory in 6 students (6 percent), thus indicating a good knowledge or approach in description of the introductory data of the cases.

b. Consent part satisfactory or not satisfactory.

For examination of any medicolegal case, written and informed consent of the victim if aged above 12 years and of the parents or guardian if aged below 12 years is mandatory under law. The standard statement as consent by the person being examined is described and taught to the students is:

- I am willing for my medicolegal examination.
- I have not been examined by any other medical officer / doctor for the injuries / my present condition.
- I will show all injuries on my person to the examining doctor.

In the present study, written consent part was assessed as satisfactory in 58 students (58 percent) and not satisfactory in 42 students (42 percent) thus indicating a casual approach in writing and taking consent for medicolegal examination. In fact only the first part is to be taken as consent for examination and the second and third parts are declarations by the victim before examination.

c. Noting the identification marks

In every medicolegal case examination, at least two identification marks of the victim are to be noted and recorded in the medicolegal report by the examining doctor for future reference and identification of the subject during court proceedings. In the present study, noting of the identification marks was satisfactory in 83 students (83 percent) and was not satisfactory in 17 (17 percent) students, thus indicating satisfactory knowledge and approach of the students in noting the identifications marks as an important part of any medicolegal report.

d. Knowledge of description depending on the type of case

Proper description of the injuries is most important content of the medicolegal report which includes dimensions of the injuries suggesting type of the weapon used and the manner of causing the injuries, location and direction on the body parts which suggests position of the assailant at the time of assault, colour changes which suggest probable duration between causation of the injuries and time of examination and hence the time of occurrence of the crime and percentage of burns in case of thermal injuries to determine fatality of the injuries in medicolegal context and the amount of fluids to be administered for clinical purpose.

In the present study, description knowledge was very good in 31 students (31 percent) good in 12 students (12 percent) satisfactory in 43 cases (43 percent) and poor in 14 cases (14 percent) which suggests the overall performance and knowledge of describing the injury details was up to the mark with not much practical training being given to the medical student during the ongoing course mainly due to limited practical training hours in the subject.

e. Medicolegal investigation recommendation

Like in clinical practice, in medicolegal field various investigations are an important part of the case which includes medicolegal X-Rays, CT scan and ultrasound examination to assess the invisible findings for determination of the nature of injuries.

In the study under consideration, 76 students (76 percent) recommended medicolegal investigation to the satisfactory level of the examiners while in 24 students (24 percent) the investigation part was not satisfactory. Proper recommendation of the medicolegal investigations is

very crucial in the interest of justice and subsequently imparting the quantum of punishment to the alleged accused and hence cannot be compromised in the eyes of the law, rather can be taken as criminal negligence and directly benefitting the accused.

f. Final opinion writing

Final opinion in medicolegal practice includes nature of injuries, type of the weapon or the means used and the probable duration of the injuries. Different sections of the criminal justice system are applied on the accused in accordance with the nature of injuries. In the present study, opinion writing was very good in 2 cases (2 percent) just good in 7 cases (7 percent) satisfactory in 45 cases (45 percent) not satisfactory in 33 students (33 percent) and poor in 13 students (13 percent) which indicates poor knowledge of the medical students in writing the opinion in medico legal cases.

Discussion

Forensic Medicine deals with the application of medical and paramedical knowledge to aid in the administration of justice almost entirely with crimes against human beings, in which medical examination and evidence are required. It is mostly an exercise of common sense, combined with the application of knowledge and experience, already acquired in the study of other branches of medicine, surgery, obstetrics etc. Its aim is to find the truth. All medical work is of a responsible character, especially the medicolegal work and in all cases of crime involving the person, e.g. homicide, suicide, assault, sexual offences, traffic accidents, poisoning etc., the help of the medical practitioner is sought by police. In all such cases, the doctor will be required to appear as an expert witness in a Court of law. In some cases, the doctor is the chief source of evidence upon which legal decisions are made. [1] It is professional, ethical, legal and medicolegal duty of the forensic medicine faculty to teach and guide the medical students to make them experts in medicolegal examination of criminal cases in the interest of justice.

In the present study, satisfactory knowledge of the students in describing and writing the introductory part of the medicolegal report is a sign of positive approach to deal with the cases. But the casual approach in taking and writing the consent part shows lack of understanding the consent and its purpose for medicolegal examination. The concept of consent comes from the ethical issue of respect for autonomy, individual integrity and self-determination. The term consent means voluntary agreement, compliance, or permission. Section 13 of the Indian Contract Act lays down that two or more persons are said to consent when they agree upon the same thing in the same sense (meeting of the minds). [2] In law, the tort of battery is defined as 'Application of force to the person of another without lawful justification' and therein lies the essence of requirement of consent for any medical treatment. [3]

In medico-legal reports, identification marks of the person being examined are noted for later identification in the courts of law or as required. In general scars, tattoos or birth marks are recorded and a medical student can easily note down the marks during medicolegal examination which are to be found anywhere on the body and can be anything from small marks to large spreading birthmarks, tattoos that simply specify a name or have an elaborate artistic bent or scars from previous wounds.

Variations in the description knowledge of the injuries or the body findings on the person during medicolegal examination shows knowledge of the student in general in recording the injury details and description of the findings which is a matter of experience and not expected from a medical student appearing in examination compared to the medical professional who is to examine an injured person in actual for the purpose of law. Every forensic medical practitioner seeks to document all aspects of the consultation, and the process of forming an opinion, in a comprehensive manner that is easily understood by non-medically-trained individuals. The effort undertaken to produce a high quality medical report is usually worth the effort. A sound medical report forms the basis of good testimony. [4] Medico-legal investigation is advised to know the findings not visible during examination like in clinical practice and make final diagnosis regarding nature of injuries. Missing any internal finding by not advising medicolegal investigation is negligence which by definition by Baron Alderson in *Blyth v Birmingham Waterworks Co* case means the omission to do something

which a reasonable man guided by those considerations which ordinarily regulate the conduct of human affairs.....would do, or doing something which a prudent and reasonable man would not do. [5] It is important to bear in mind that a medicolegal report is usually addressed to laymen who are not experts themselves. Although lawyers and judges who frequently deal with medical matters gain knowledge of medical terminology, it can often be inaccurate and no assumptions should be made. The report should be clear, understandable, with little application of technical words and professional jargon as possible [6].

Results and Recommendations

The overall knowledge of the students in the subject of forensic medicine for the purpose of writing the medicolegal reports in the present study as a general overview was satisfactory in about 75 percent of the students but not satisfactory or up to the desired levels in about 25 percent of the students which needs to be improved in the interest of justice with active involvement of the forensic medicine faculty and the learning students with more practical exposure in examination of medicolegal cases. In legal context, justice must prevail both sides and in criminal cases involving human body, medical professionals have the bigger role to play in justice delivery system and protect human rights.

Conflict of Interest: None

Financial Assistance: None

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