Forensic Medicine and Toxicology - Topic 1 - Introduction to forensic medicine basics of legal procedure.

What Forensic Medicine Means

- **Forensic medicine** applies medical knowledge to questions raised by the law.

The Main Terms

Forensic Medicine and Its Clinical Branches

- **Clinical forensic medicine** deals mainly with living people who need medical care and a medico-legal examination.
    - Examples include an injured person, a survivor of sexual violence and a person examined in custody.
- **Forensic pathology** investigates death through the history, scene, post-mortem examination and laboratory findings.

Jurisprudence, Legal Medicine and State Medicine

- **Medical jurisprudence** studies the legal rights, responsibilities and duties of medical practitioners.
- **Legal medicine** is a broad term for the interaction between medicine and law.
- **State medicine** concerns the responsibilities of the state in protecting health and organizing public-health services.

Branches and Responsibilities

A. Clinical Forensic Medicine

- The clinical branch combines treatment with evidence documentation in living people.
- A complete examination records the alleged event, consent, findings, samples, treatment and a qualified opinion.

B. Forensic Pathology

- The pathology branch studies why and how a person died.
- It combines the scene, clinical history, autopsy and laboratory results because the body alone may not answer every question.

C. Medical Jurisprudence

- Medical jurisprudence deals with the legal obligations attached to medical practice.
- Consent, confidentiality, negligence, certification and court evidence are central examples.

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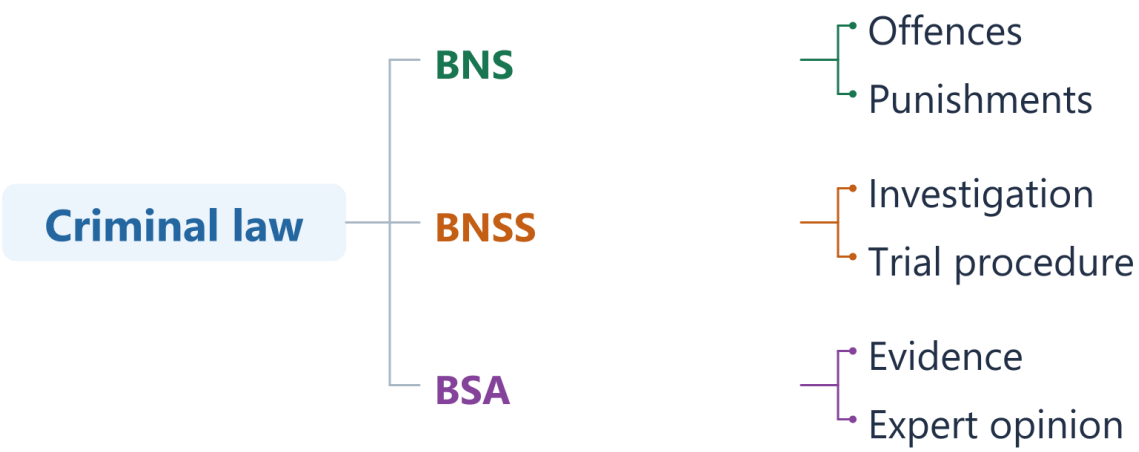
How the Subject Developed

- Early societies connected medical practice with religious duties, customary rules and punishment for professional wrongdoing.
- Indian medical traditions associated with Charaka and Sushruta discussed professional conduct, treatment and the responsibilities of the healer.
- The use of systematic injury examination, autopsy and toxicological analysis gradually strengthened medical evidence in courts.
- Modern practice also depends on human rights, informed consent, quality-assured laboratories and transparent reporting of uncertainty.
- Historical practices must be judged against present scientific evidence rather than accepted merely because they appear in an older textbook.

Important Historical Contributions

- The Chinese work associated with **Song Ci** in the thirteenth century described systematic investigation of deaths.
- **Paolo Zacchia** developed medico-legal discussion in early modern Europe.
- **Mathieu Orfila** strengthened experimental toxicology and chemical evidence in the nineteenth century.
- The Indian development of medical teaching, civil surgeons and forensic laboratories gradually linked systematic medical examination with courts.
- Modern advances include DNA profiling and digital imaging, but their scientific limitations remain part of the expert opinion.

The Three Criminal Codes



Current and Historical Names

The Three Codes and Their Commencement

A. Bharatiya Nyaya Sanhita

- The **Bharatiya Nyaya Sanhita, 2023 (BNS)** defines offences and their punishments.

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B. Bharatiya Nagarik Suraksha Sanhita

- The **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)** governs criminal procedure, including investigation, medical examination and trial.

C. Bharatiya Sakshya Adhiniyam

- The **Bharatiya Sakshya Adhiniyam, 2023 (BSA)** governs the relevance and proof of evidence.

Commencement and Transitional Application

- The new criminal laws came into operation on **1 July 2024**, subject to their commencement notifications and savings provisions.
- The date of the incident and applicable transitional provisions matter when an older case is considered.

Historical References and POCSO

Historical Statutory References

- Older books may cite the Indian Penal Code, Code of Criminal Procedure or Indian Evidence Act.
- Do not replace an old section number with a new one by guessing, because the wording and scope may also have changed.

POCSO and Child-Friendly Procedures

- The **Protection of Children from Sexual Offences Act, 2012 (POCSO)** is a special law protecting people younger than 18 years from specified sexual offences.
- Its reporting and child-friendly examination requirements operate alongside the general criminal laws.

Civil and Criminal Proceedings

1. Civil Proceedings

- A **civil case** usually concerns a legal right, obligation or remedy between parties.
  - A claim for compensation after alleged medical negligence is a common example.

2. Criminal Proceedings

- A **criminal case** concerns an offence prosecuted through the criminal justice system.
  - An alleged deliberate assault or sufficiently serious criminal negligence may lead to criminal proceedings.

3. Parallel Proceedings and the Medical Opinion

- The same clinical event can lead to civil, criminal and professional disciplinary proceedings because these address different questions.

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- A medical opinion assists the court but does not itself decide guilt, compensation or professional punishment.

Cognizable and Non-cognizable Offences

1. Cognizable Offences

- In a **cognizable offence**, police may arrest without a warrant in accordance with the applicable law.
    - The classification also affects the authority to begin investigation without a Magistrate's order.

2. Non-cognizable Offences

- In a **non-cognizable offence**, police ordinarily require the Magistrate's authority to investigate and cannot arrest without a warrant merely because the offence is reported.

Clinical and Evidential Responsibilities

- Cognizable does not mean that every reported allegation has been proved or that every arrest is automatically justified.
- A doctor should provide necessary care and make the required notification without trying to conduct the police investigation.

Inquests and Investigation of Death

Purpose of an Inquest

- An **inquest** is a legal inquiry into the circumstances and apparent cause of a death covered by the relevant law.
- It is different from an autopsy because the autopsy is a medical examination that may contribute to the inquiry.
- An inquest report cannot replace a properly conducted post-mortem examination when that examination is required.

Types of Inquest

1. Police Inquest

- **BNSS section 194** provides the framework for police inquiry and reporting in specified suspicious or unnatural deaths.
- The officer records the apparent cause, visible injuries and relevant circumstances with the required local witnesses.
- The body is forwarded for medical examination when the statutory conditions or the circumstances require it.
- The doctor should compare the inquest information with the body findings and record significant inconsistencies without altering the police account.

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2. Magisterial Inquiry

- **BNSS section 196** governs inquiry by the Magistrate into the cause of death in specified circumstances.
- The law requires particular scrutiny of deaths connected with custody and certain deaths of women within seven years of marriage.
    - The precise category determines whether the inquiry is mandatory and which Magistrate is competent to conduct it.
- A judicial inquiry in a custodial case is additional to the medical investigation rather than a reason to omit independent documentation.
- Autopsy authorization, identity, seals, escort details and the documents received should be checked before examination begins.

Courts and Other Adjudicating Bodies

The Judicial Structure

Superior Courts

- The **Supreme Court** is the apex court and exercises constitutional, appellate and other jurisdiction conferred by law.
- A **High Court** supervises subordinate courts and has constitutional and appellate functions within its jurisdiction.

Criminal Courts and Magistrates

Courts of Session

- A **Court of Session** tries serious criminal cases assigned to it by law.
- A death sentence passed by a Court of Session requires confirmation by the High Court.

Judicial Magistrates

- **Judicial Magistrates** deal with criminal matters within their territorial and statutory powers.
- A first-class Judicial Magistrate may ordinarily impose imprisonment up to three years, while a second-class Magistrate may ordinarily impose imprisonment up to one year under BNSS sentencing limits.
- Under BNSS section 23, the corresponding fine limits are ₹50,000 for a first-class Magistrate and ₹10,000 for a second-class Magistrate.
- The section also permits community service, which is unpaid work ordered for community benefit, within the applicable law.
- The Chief Judicial Magistrate has wider sentencing powers, but cannot impose death, life imprisonment or imprisonment exceeding seven years.

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