

## Review article

### Medico-Legal Cases Need a More Professional Approach

#### **ABSTRACT:**

**Background:** Law is a natural science, similar to medicine. Most of the time, the outcome of a case cannot be predicted with certainty. It depends on the facts and circumstances of the case and the judge who adheres to his own beliefs. The aphorism that “learns from your mistakes” is undermined in the healthcare industry. Preventing medical and legal problems is the best way to deal with them, and this article tries to put together a list of preventive actions that can protect a physician from negligent prosecution.

**Summary:** Many of us have seen official medical examinations and certificates made and signed by any MBBS physician, gynecologist, dermatologist, or non-medical professional who is not trained in medical and legal practice. According to statistics, non-forensic physicians perform approximately 80% of the work in the medical profession, with second and professional opinions flooding the doors of hospitals teaching Forensic Medicine and Toxicology due to a shortage of specialized doctors with specialized medical, legal expertise. He is qualified to give opinions, report, or give evidence in a court of law where a Forensic Medicine specialist is found to perform the primary function in which they work to an informal physician who is unfamiliar with many of the medical fields that authorize their work by giving opinions, reporting, or giving evidence in a court of law where a Forensic Medicine specialist is found to perform the primary function in which they work. As a result, psychiatrists should license all legal, medical services in the region or district hospitals.

**Conclusion:** One of the best jobs in the world is medical. Medicine can provide a fantastic service to humanity if doctors practice it with care, reliability, efficiency, and professional expertise. However, modern patient-doctor interactions have lost your great environment, becoming more professional and constructive. Doctors are no longer respected as infallible and unknown. The integration of health care has turned the business around, and the medical profession is increasingly driven by profit rather than service.

**Key Words :** legal expertise, Toxicology, Gynecologist, Dermatologist, reliability, evidence.

## **INTRODUCTION:**

Many of us have seen medico-legal tests and certificates performed and signed by any MBBS doctor/gynecologist/dermatologist / etc., untrained in the medical and legal profession. According to statistics, non-forensic physicians manage about 80% of the legal profession, placing the departments 'teaching departments' in Forensic Medicine and Toxicology with second/professional opinions due to a shortage of other doctors. They have Specialized medico-legal expertise. To perform the core profession in which they are trained. Medico-legal services are provided mainly to MBBS doctors who have no experience of such work in India, other than those hospitals affiliated with medical colleges.[1]

As a result, there's a chance that medical evidence won't be presented correctly in court, causing reports to be delayed (and delayed justice being denied). The benefit will be for offenders who will be able to get more time off owing to the country's state-of-the-art medical treatments given by MBBS/non-forensic experts.

Because of harassment by defendants' attorneys due to a lack of legal understanding of the treatment, many medical professionals take unpaid leave whenever a court summons them for any medical treatment, which continues to prevent court decisions and general medical services for patients. [2]

The medical profession has its code of ethics and ethical standards. On the other hand, physician negligence must be decided by courts with no medical training. They make intelligent and cautious selections based on professional guidance. The three types of negligence, lata culpa (overindulgence), levis culpa (general negligence), and levissima culpa (slight carelessness), are commonly separated by a thin line. The whole context, including the location, time, persons involved, and the number of complicated items, determines the amount of neglect.

The distinction between medical negligence and medical error is well established, and the Supreme Court has clearly stated the basic concepts in a few cases. Because of this, there is a need for the public to recognize this difference so that doctors are not prosecuted for ideological reasons.[3]

The coronavirus was there, and the first corona case was there in 2002. The coronavirus is usually the infection of the lungs in which the coronavirus spike protein gets attached to the alveoli in the presence of the proteases enzyme found in the human body. We can calculate the rate of corona infection through the CRP protein, which is mainly produced by the liver in the stage of the infection to fight against the virus. This crp protein is necessary to cope with the infections.[4]

We are also saying that as the age increases, the crp protein value also increases. Usually, the men have raised CRP value. We have calculated the graphs of the CRP protein in the mortality patient and in the survival patient. The whitneys methods are also used, and we find that the patient who was died due to the corona infection had raised crp protein value in their blood .and we also find that we conducted the CBC test in that patient we found that they had increased neutrophils count in their blood and there also we find that they had increased wbc count and their RBC count were less and their platelets counts were only in the thousands. We also introduced corona, which takes about 14 days to start its symptoms, but normally, patients start showing the symptoms 2-3 days.[5] The virus after inhalation there is a consideration that it stays in the throat for 3-4 days, and there it produces the copies and then it enters the lungs via respiratory track.so it is always advised that whenever we feel the symptoms we should drink lots of the hot water so that the virus gets killed or it may get into the digested track through the

flow of the water. It is usually advised that older adults need to drink a lot of the virus. The second thing is that one needs to boost the immunity even in the oldage through various fruits eating and various multivitamin tablets or the various antioxidants such as vitamin c as discussed in the below article. [6]The primary introduction coronavirus virus is only in the vaccine in india. It is bharatbiotech and the adiarpoonawalas company producing the vaccine .normally, the corona has killed the attenuated vaccine. Vaccines such as vaccine sputnik vaccine and covishield etc are very useful in bringing immunity to our body. We are also introducing how the corona spreads from person to person and its mechanism in the body of the person and mainly in the lungs. The introduction is incomplete when we do not mention the covid warriors working 24 hours in PPE kit, and many of them died due to this virus. Their rate of the lungs depends if the hrct rate is more and its oxygen content is less rhen a person needs to be on the ventilator in the severe infection. The HRCT rate is calculated out of the 25 through the CT SCAN.it is usually the number of the lobes of the lungs infected with this virus and how many lobes there is fibrosis due to the coronavirus.[7]

We also calculated the HRCT rate in the 298 patient and we find that those with the HRCT rate more than 20 were prone to death but the HRCT rate below 5 is considered normal and patient can survive.

The main world is facing pandemic because of the corona virus and this virus came from famous country china.and the data for covid 19 patients was designated in wuhan hospital of the china .Corona Virus was invented by the chinese people and this come threat to all countries, as the corona infection is increasing day by day.The famous chinese scientist, who were killed by their president they collected the data and analysed from 30 january 2020 to the feb 28 2020 .And they find that Crp increases in the patient who has been suffering from the severe Covid 19.All the mens and womens who was suffering from the covid 19.ALL these men amd women has performed the CBC test of the blood and found that they had increases in their CRP protein as they are suffering from the lung infection and in many of the infection it is found that there is increases in crp protein value.[8] All the men and women who was suffering from the corona virus or covid 19 and chinese scientist observed that moderate diagnosis using quantitative RT-PCR ,and the famous hospital of the wuhan,china from 1 january to 20 march 2020.The main outcomes was patients who died due to covid 19 has found increase Crpprotein.The major aim for the lower the CRP protein is to lower the inflammation of the liver or the lungs so the antiinflamatory tablets are to be used to reduce the infection of the patient.and we can get or we can increase the imunity of the patient so to lower the crp protein value in the covid 19. We can have multivitamins tablets or the vitamin c tablets or the current research found that zinc tablets are proven to lower the infection of the corona patient .some people consumes glutathione which is very powerful antioxidant and the immunity booster is used to treat the corona patient .glutathione tablets not only improves the health but it may improves the liver and main function it detoxify it and it may improves the function of the liver.[9] The liver metabolism is increase by taking the glutathione tablets ,as it provides powerful antioxidant and immunity booster and the main glutathione is capable of preventing damage to important cellular components caused by reactive oxygen species such as free radicals, lipid peroxides ,and heavy metals which can lower the immunity.now the methods of calculating CRP protein with severe and moderate illness can be easily topographted with various mathematical techniques such as graphs,pie charts and with this various statistical data we can easily compare the things and we can conclude the things on the bigger picture.The increase of the CRP protein was found an average 20 to 50 mg\L in patient who has been suffering from the corona ,and the main 10,11,12,21,22 elevated levels of

the crp has been observed upto the 86percent in the severe corona patient. 10,11,12,13 patient with more severe disease. The patient died we feel really sorry for them but these due to chinese people , they all have the the tendency to attack on the beautiful world .[10]

The logistic regression model was adopted to analyze the association between the disease aggravation and the related factors. the receiver operating curve was utilized to analyze the prognostic value of the cpr protein after the onset of the acute phase response, the serum CRP concentration rises rapidly [ within 6-12 hours and peaks at 24-48 hours] and extensively . concentrations above 100 mg\dl are associated with the severe stimuli such as major trauma and severe infections [sepsis] C-reactive protein responses may be less pronounced in patients suffering from the liver disease.[11]

elevated crp values are nonspecific and should not be interpreted without the complete clinical history

The doctor owes his patients the responsibility of care in deciding whether to take the matter or not, the duty of care in deciding what kind of treatment should be given, and the duty of care in providing that treatment. The patient has the right to sue negligently, if any of these obligations are violated. The doctor must be aware that the complainant (patient) must show that the damage would not have been possible if the negligence of the respondent (doctor) had not occurred; or that the negligence of the defendant contributes to or increases the risk of injury; or that if the claim is for non-disclosure of negligence, he would not have accepted treatment if he had been informed sufficiently.

Any of the following steps can be taken by the victim from a careless healthcare provider.[12]

Compensation: Receiving financial compensation through civil courts, a high court, or a court to resolve consumer disputes in accordance with constitutional law, litigation law / contract law, and Consumer Protection Act. Filing a criminal complaint against a doctor under the Indian Trade Code as a form of retaliation (IPC). Disciplinary action: requesting disciplinary action from the doctor referred to in professional organizations such as the Indian Medical Council and the World Health Council. Recommendations: File a complaint with the National / National Human Rights Commission for assistance.[13]

## **DISCUSSION:**

Initial investigations into cases involving the human body are usually conducted by the police. As a Medical Jurist, a Doctor may be called in to testify.

As a result, he should learn to assess his situation from a medical and legal point of view when it comes to the subject of an investigative court.[14]

Initial investigations into cases involving the human body are usually conducted by the police. As a Medical Attorney, a Doctor may be called to testify.

As a result, he should learn to assess his situation from a medical and legal point of view when it comes to the subject of a court investigation.

He should be aware of all possible medical consequences, as well as the fact that medical evidence is usually evidence of hypothetical value, rather than factual evidence. The Court's ability to make sound decisions is aided by honesty, , careful, and objective of Forensic Medicine specialist research.[15]

"This Court is very serious and concerned about proving that the forensic science branch is an effective scientific method," the Madras Supreme Court said.[16]

In the administration of Criminal Justice, which plays a key role in supporting the Judicial Service in delivering justice to the community.

More teeth are needed from the law and the appropriate authorities to make this article more effective and stylish.[17]

The service provided by medical professionals in this regard is unique and worthy of praise, but the fact is that non-forensic specialists control medical conditions in this country, and no one can be blamed for that.

The report of the Medical and Legal Research Committee in India, published in 1964, and the various suggestions made by the Central Legal Advisory Committee Since its inception in 1956, should all be applied. The Committee considered the idea of the Indian Ministry of Home Affairs to form a special team of legal staff during their first meeting in 1956. Many of the recommendations made by the Central Medico-legal Advisory Committee since its inception in 1956, should be applied. The Committee considered the proposal of the Ministry of Home Affairs, Government of India, to form a special legal team during their first session in 1956.[18]

Many of the recommendations made by the Central Legal Advisory Committee since its inception in 1956, as well as the Report of the Committee on Medical Research Procedures in India, released in 1964, should be welcomed. During its first meeting in 1956, the Committee considered a proposal from the Indian Ministry of Home Affairs to establish a team of medical and legal officials.[19]

According to the PIL, such records create a hindrance to the administration of the Criminal Justice System, leading to ridicule for justice and serious human rights violations that occur without punishment.[20]

The second opinion of the medical examiners under scrutiny was considered by the Supreme Court of Allahabad to be the most competent, legally competent, and well-constructed than the first.[21]

A major cause of adverse medical consequences is a lack of communication between physicians and lawyers.

The absence of forensics is a waste of work. Regional-level health professionals are well known. / Doctors on the grounds that (MD Forensic Medicine) will lead to improved performance, which was distributed to the Secretary-General.[22] Health in all regions of the country.

## **CONCLUSION:**

Due to the lack of dedicated medical and legal departments in regional hospitals, medical officials who do not have adequate legal training or non-forensic specialists are forced to perform autopsy and other medical services in addition to their normal duties.

With the number of cases they need to go to court soon, most employees are unwilling to do medical or legal work.[23]

This is also one of the reasons why obstetricians, pediatricians, anesthesiologists, and other medical professionals are leaving government jobs after some time due to legal issues and fears of appearing in court, which has a direct impact on state health.[24]

Calling for forensic medical professionals to work in regional hospitals will provide a reference medical facility for PHCs, CHCs, and local hospitals, relieving doctors of some of their responsibilities.

District Forensic Medicine specialists will be provided to satisfy the demand and will aid police and judges in making judgments.[25]

Benefits like giving medical information or assisting police officers in gathering evidence and comprehending the circumstances of death by visiting the site would undoubtedly reduce police officers' travel burden by making their location more accessible. will prevent sample deterioration due to protracted and poor storage, such as viscera from suspicious death, hyoid bone and thyroid cartilage from suffocation, and will remove the need to transfer records and proof to higher education hospitals or secondary ed. [26]

As a result, all medical legal services, such as testing and certification, in local or regional hospitals should be performed by a specialist doctor of MD Forensic Medicine & Toxicology, which can be met with the mandatory creation of two medical professionals. posts (one will be busy with autopsies or giving evidence in a court of law), which improves the quality of medical and legal services.[27]

Physicians who practice medicine with proper care, reliability, efficiency, and expertise can provide great benefits to the community. Good communication between physician and patient has changed dramatically as a result of the integration of the medical profession, which has resulted in higher professional sales, as opposed to the Hippocratic Oath text and spirit.[28]

Rapid advances in medical and technological research have proved to be useful tools for doctors in diagnosing and treating patients better, but they have also become the tools of commercial exploitation.[29] Medical law is changing dramatically. [30]

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