

Definition

- Law can be defined as a rule established by authority, society or custom based on reason.
- Law is nothing but reason and what is not reason is not law

TYPES

- Common law
- Statute law



Evidence

- Evidence means a fact or an information in an issue in a case , which a witness is capable of perceiving to any of his own senses i.e. ,vision , hearing, smell , taste or touch .It is presented to court of law after taking an oath .
- A fact or information after its presentation to the court of law by a witness is called TESTIMONY.

Types of evidence

- **Direct evidence** means testimony given by a man as to what he has himself perceived by his own senses.
- Example : RTA seen by one person while a car hits other person crossing the road. His evidence about circumstances as to where and how the victim was hit is direct evidence.

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- **Circumstantial evidence** to prove a fact by process of inference.
- Example : A person having injury is lying dead on a road and close by there are some broken wind screen pieces and two tyre marks. All these facts offer circumstantial evidence of a RTA.

Stages of evidence

- **Examination in chief** : is the first and main component. The facts deposed to in this examination must be within the memory and recollection of the witness . Only scientific witnesses like medical practitioner and ballistic experts re allowed to refer their written notes. Leading questions are not permitted.

Cross examination : second part by party who defends the case .

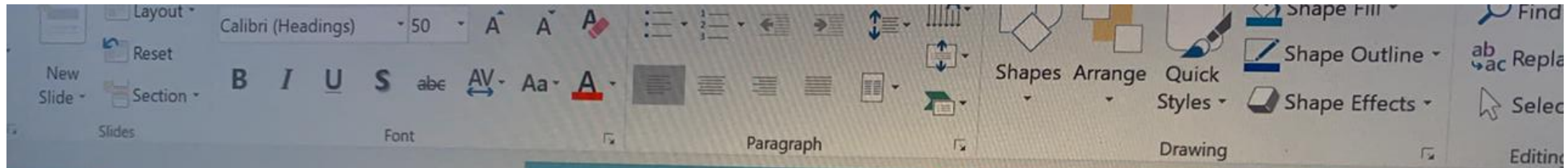
- It is to test credibility of witness , accuracy of evidence and willful omission of facts.
- Leading questions are allowed .

Re -examination : third stage

- Opportunity to rectify discrepancies occurred due to cross examination . The court may ask questions during any stage of examination .

Differences between dying declaration and dying deposition

Dying declaration	Dying deposition
Legal formalities of oath are not necessary .	Oath essential.
Recorded by any credible person including M.O	A justice of peace can only record it .
Presence of accused is not necessary.	Presence of accused is essential.
Case must be criminal one of homicide .	It can be recorded in any case when witness is critically ill.
Contain only the statement of dying person and nothing else .	It also includes cross examination by the accused .
It should be read over to him and if possible may be got signed by him .	Signature of dying witness is necessary .
It must be sent to illaqa magistrate sealed . It becomes valid upon death of the declarant .	Not necessary being recorded by justice of peace himself It continuous to remain valid even after recovery of the declarant.



Hearsay evidence

- Is that an evidence of something which witness does not know himself but has heard from somebody else .It is not admissible in the court of law except dying declaration .

Principles of evidence

- Be familiar with the details of the case and take records of the case with him .
- Speak briefly , clearly and in technical language.
- Listen carefully before giving answers.
- Address the court as SIR .
- Don't answer with anger .
- If doesn't agree with the suggestion , should disagree firmly but politely.
- In case he does not know , he should admit his lack of knowledge. It is not disgrace to admit that he does not know the answer.

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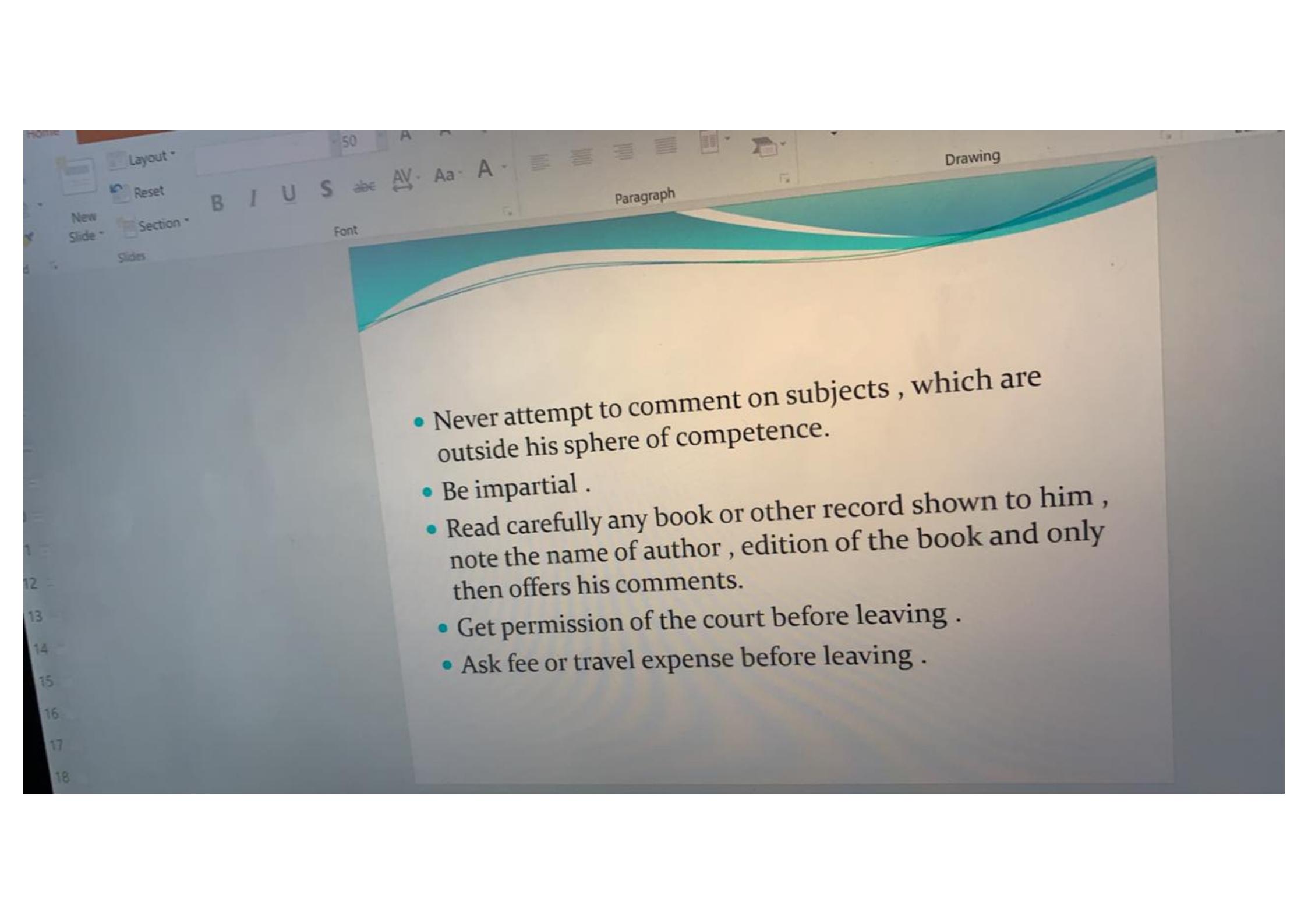
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- Never attempt to comment on subjects , which are outside his sphere of competence.
 - Be impartial .
 - Read carefully any book or other record shown to him , note the name of author , edition of the book and only then offers his comments.
 - Get permission of the court before leaving .
 - Ask fee or travel expense before leaving .

Courts of law

- Are places where people bring grievances against other to seek remedies .Judge preside ,record all the evidences presented to him by both parties. Finally concludes the proceeding giving his decision in writing- judgment

- **Types of courts:**

- Civil court
- Criminal court
- Shariat court

- Both civil and criminal court have three levels:
- **Court of first instance:**
 - jurisdiction---illaqa
 - cases of ordinary nature
 - presided by a magistrate for criminal cases and civil judge for civil cases.
- **Court of second instance:**
 - wider jurisdiction—whole district
 - presided by district and session judge for both civil and criminal cases which are more serious and important as compared to the cases of court of first instance.
- Hears appeals against the decision of the court below it.

Tap to add notes

- **Court of third instance :**
- Is the high court, the highest in the province
- Presided – judge of the high court
- Both civil and criminal jurisdiction
- Hears mainly the appeals against the decision of courts lower to it .
- Courts of magistrate ,session judge and even high court ask medical practitioner to come to their court and give evidence concerning examinee they have examined. His evidence is important for the decision of the case.

Tap to add notes

English (United Kingdom)

Notes Comments

ENG

- The greatest improvement in Mc naughton's rule is **Durham's rule** (1954 USA) . It is based on medical concepts and it says an accused is not criminally responsible if an unlawful act is product of mental disease.

General legal definitions

- **Summons**: written , signed and stamped directions of court to witness , accused or a juror to attend the court at the notified time date and place .

Criminal justice

There are three areas of interest to medical practitioner:

- Substantive criminal law
- Criminal procedures
- Execution of criminal justice

Substantive criminal law

- is concerned with definition of crimes . Crime has two components . **mens- rea** is evil or criminal indent and **actus -reus** is the evil action . In the absence of either of two crime cannot be considerer as committed.

Criminal procedures

- Three essential components :
- General presumptions in law
- General exceptions in law
- General legal definitions

General presumptions in law are :

- Everyone is sane and responsible for his actions .
- Everyone is innocent until prove guilty .
- If , at the conclusion of court proceeding there is any reasonable doubt about the allegation , the case shall be resolved in favor of accused.

Notes

Comments

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procedures

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assumptions in law
exceptions in law
legal definitions
legal presumptions in law are :
presumption of innocence - innocent until proven guilty .
conclusion of court proceeding there is any
reasonable doubt about the allegation , the case shall
be decided in favor of accused.

General exceptions in law

Unfit to plead :
the defendant was sane at the commission of
crime but has subsequently become insane and thus is
incapable of defending himself . The court
proceeding gets suspended till defendant's sanity is
restored .

Guilty but insane :
applies when the defendant , because of insanity gets
completely absolved of his guilt .

General exceptions in law

- Immaturity
- Insanity
- Intoxication

Unfit to plead :

- When the defendant was sane at the commission of crime but has subsequently become insane and thus is not capable of defending himself . The court proceeding gets suspended till defendant's sanity is restored .

Double tap to add title

- **WARRANT OF ARREST:** Written , signed and stamped authority to arrest a person , which shall remain in force till its execution or cancellation
- **PERJURY :** A witness is expected to tell the truth but if he is influenced , intimidated , or bribed , he may purposely conceal a part of truth or give outright false evidence and is then liable to be found guilty of perjury . The court , in its discretion , may declare such a witness as a hostile witness .
- **Hostile witness:** is one who purposely makes statements contrary to facts or to what he has already said in a lower court or in the same court on a previous occasion .
- Ordinary as well as expert witness may become hostile .when such a witness is being examined , leading questions may be asked in the examination in chief to elicit the facts.

Double tap to add title

Three **privileges** of RMPs :

- Seeking employment against job or permission for independent practice
- Issuing of medical certificate for administrative and judicial purposes
- Charging fees for medical services

Double tap to add title

Two obligations of RMPs :

- To notify the council change of address on transfer within a period of 30 days of change.
- Not using any name , title , description or abbreviation indicating that he possesses an additional qualification which is not conferred on him . E.g. RMP

Professional misconduct

- If a medical man , during his professional work , has done something , which will be reasonably regarded as disgraceful or dishonorable by his professional brethren of good repute and competency , then it is open to council to say that he is guilty of professional misconduct .

Professional misconduct(five A's)

Type of abuse	Example
Abuse of RMP privileges	A: (issuing false medical certificate) b :prescribing drug of addiction for abuse C: disclosing of patient secrets
Abuse of doctor patient relationship	A : indecent assault on patient B : adultery with patient
Abuse of professional knowledge	A : criminal abortion
Associating unqualified persons in professional work	
Advertising and convincing to have unreasonable gains	

Procedure of admission into mental hospital

- Three methods :
- voluntary admissions
- Temporary reception
- Reception orders

• **voluntary admissions** : are asked by mentally ill patient himself , having full awareness and insight into his own mental condition , by submitting a written application to the administrator of the hospital . This admission is subject to the condition that arrival of patient will have to be notify to at least two visitors within 24 hours of admission and one of them has to be a RMP.

Double tap to add title

- . Period of admission is opened if his mental condition is unsatisfactory he will not be allowed to leave for 24 hours after his desire to leave so that temporary reception could be arranged .
- **visitors** : to the hospital other than RMP is a gentleman having sound integrity who can be entrusted with the duty of guarding health and other interests such as food , sanitation , place of lodging etc of the lunatic during his stay in the hospital . The provincial health department notify the name of visitors to the mental asylum. When a criminal lunatic is transferred to the mental asylum the IG of prison or any other authority entrusted with this duty has to act as visitor

Double tap to add title

- . He must at least visit him once in every 6 month to submit a report about his mental status to higher authority.

- **TEMPORARY RECEPTION** : is granted upon submitting a formal application on the prescribed form to the administrator of hospital by near relative having blood or marriage relation .it should be supported with medical certificates issued by two RMPs , one of whom should not be his usual medical attendant . When medical examination have been done separately , the maximum interval between medical examinations should not be more than 5 days. And the medical recommendations remain valid only up to 14 days from the date of issue.

Double tap to add title

- Period of stay for temporary reception is 6 months . If by the expiry of this period the patient has not recovered , he can remain in the hospital for another 28 days for arranging of a reception order .
- **reception orders** :Is obtained from the court of area magistrate by submitting a written petition by a near relative having blood or marriage relation .it must be supported with medical certificates from two RMPs one government M.O . Both medical examinations should have been done independently and separately . Period of stay is not indicated in the order and patient cannot be discharged without permission of court.

Double tap to add title

- The station house officer of a police station arrests a wandering, dangerous or cruelly treated lunatic and produces before area magistrate who orders medical examination by government M.O. Magistrate either hand over the lunatic to relatives or in case of their non availability authorizes his detention for a period of 10 days. 2 such detentions can be ordered. Maximum detentions-----30 days---to locate the relative who may arrange admission.

Consent

- Is permission / voluntary agreement/ compliance of patient before the start of medical treatment.
- A patient is not obliged to submit to medical treatment if he does not desire.
- Every adult with sound mind has right to determine what shall be done with his body **except** when disease is contagious or dangerous to other members of society, emergency , in criminal cases.

DOUBLE tap to

- Consent is necessary for all procedures whether under taken for the purpose of diagnosis or physical treatment .
- Special procedures such as administration of anesthesia , fluid infusions including blood transfusion and surgical intervention require written consent.
- It is **imperative** to take consent **before** start of medical examination and treatment.
- Consent should be **free and full**. i.e. patient should be informed in detail advantages of procedures , risks , complications.

Types of consent

- Implied
- Expressed : oral and written
- Blanket

- **Implied consent** : is not written . Its existence is not expressly asserted but nonetheless it is legally effective .it is provided by demeanor of patient and is by far most common form of consent in general and hospital practice.

Professional negligence

- **Definition** : it is defined as omission to do something (act of omission) which a reasonable person would do , or doing something (act of commission) which a reasonable person would not do . Professional negligence or malpractice is defined as lack of reasonable care and skill or willful negligence on part of MP in treatment of patient whereby health or life of a patient is endangered . He should have average degree of skill possessed by his professional colleagues of same standing as himself . An error in diagnosis or treatment is not negligence provided proper care and skill has been exercised.

- .

Types of negligence

- **Civil negligence** : results from lack of carefulness in treatment e.g. extraction of a healthy tooth instead of diseased one .
- Failure to **X ray** following an injury
- Failure to give **anti tetanus vaccine** after injury
- Such cases are brought before civil courts for compensation in terms of money .

Double tap to add title

- **Criminal negligence** : results from gross and wicked recklessness on part of medical practitioner showing absolutely no regard for safety of patients life and in such cases patient usually die .
- MP is charged under criminal law with man slaughter -304 A PPC amounting to culpable homicide .
- Examples : over anesthetizing patients by an addict anesthetist solely to satisfy himself or leaving patient unattended after opening abdomen by surgeon to meet a friend or relative of patient to negotiate fee .
- Operation on wrong patient .
- Leaving tourniquet too long .
- Gangrene after tight POP . Pelvic Organ Prolapse
- Paralysis after splint .
- Dressing with corrosive .

Age certificate

- 1) Bio data
- 2) Signature-consent
- 3) Marks of ID
- 4) G.P.E General Physical Examination
- 5) Documents- birth certificate/school entry certificate/school leaving certificate etc
- 6) Secondary sexual characters
- 7) Dental data/skeletal data- x-rays
- 8) Opinion

Tattoo marks

- Design by multiple small puncture wounds made on skin with needles dipped in a dye.

Double tap to add title

The permanency of the tattoo mark depends upon

- Type of dye
- Depth of penetration
- Part of the body tattooed
- The optimum depth of penetration is up to superficial layers of dermis.
- A tattoo design may be altered or eliminated or super imposed to conceal identity.
- **Complication of tattoo mark**
- Sepsis
- Transmission of disease like hepatitis ,AIDS

Scar

- Is a cicatrice mark which result from healing of wound
- Time required for scar formation
- Depend
 - 1) Nature
 - 2) Size
 - 3) Method of healing
 - 4) Sepsis
 - 5) Vascularity of part
 - 6) Age and general health of person

Scar and causative agent

- Incised... linear
- Gaping wound ... wide scar
- Stab wound Elliptical
- punctured wound ... puckered
- Lacerated Irregular
- Bullet wound Circular depressed scar

Superimposition photography

- Skull recovered... x-rayed
- Photograph of the front and side view of head of deceased taken while he was alive are enlarged to size of x-ray

Faked photographs

- Important deciding points
 - 1) Shadow inconsistencies
 - 2) Grain distribution
 - 3) Indication of grafting
 - 4) Inconsistency of body proportion
 - 5) Retouching
 - 6) Environmental profile

SPECIAL TECHNIQUES IN MASS DISASTER

- X- RAYS
- U/V RAYS
- P/M SEROLOGY
- DNA PROFILING
- NEUTRON ACTIVATION ANALYSIS

Identification by DNA profiling

- DNA is biological blue print of life
- Sir Alec Jeffrey's
- Molecule of DNA has two strands of sugar and phosphate linked by combination of four basis (ATCG) forming double helix of DNA

DNA profiling

- Procedure

- 1) Biological material
- 2) Isolate nuclei
- 3) Isolate DNA
- 4) Digest DNA with restriction end nucleases
- 5) Sorting and sizing of fragments
- 6) Separation of DNA fragments by gel electrophoresis
- 7) Transfer to nylon membrane
- 8) Hybridization to radioactive labeled DNA probe
- 9) Wash
- 10) Autoradiography
- 11) visual and computer analysis
- 12) Compare suspects sample with evidence sample

Suspect sample

- Blood
- Semen
- Vomits
- Feces
- Saliva
- Hair
- Nail
- Bone
- Buccal smear

Collection of specimens

- **Clothes** entire lot (bearing stains and soiling)
- Loose and matted **hairs**
- **Swabs**

1) from body :

- a) seminal stains (areas other than vagina)
- b) salivary stains from the bite marks

2) from vagina :

- a) from introitus , perineum
- b) from lower vagina (separating the labia minora and passing a swab just into the area above hymenal boundary .
- c) from higher vagina

Double tap to add title

3) from anal margins

4) from posterior fornix

- **Scrapings** from the under surface of nails (epithelium of assailant in non consenting victims)
- **Urine** for screening of drugs and venereal diseases
- Control specimens : **blood**
 - plucked hairs** two each
 - a) head hair
 - b) pubic hair
 - saliva**

Law related to abortion.

- killing of fetus / miscarriage : isqat e haml and isqat e janin
- Statute law of miscarriage in Pakistan takes into consideration stages of gestation, making the offense more serious if it is done at the later stage of pregnancy
- **Isqat e haml** : causing a woman with child whose organs has not been formed to miscarry without good faith for the purpose of saving life of the woman or providing necessary treatment (338 A)

- **Isqat e janin** : causing a woman with child whose organs has been formed to miscarry without good faith for the purpose of saving life of the mother .

Complications of criminal abortions :

- **Vagal inhibition** –rough handling of cervix and uterus in un anaesthetized patients .Insertion of syringe into cervix or rapid introduction of hot or cold fluid results in vagal inhibition .
- **Air embolism** is a common complication following use of enema syringe for injecting soap solution into uterus . About 100 ml of air is considered sufficient to cause air lock and death .
- **Severe hemorrhage** –vagina , uterine lacerations and perforations or pieces of retained placenta – uterus unable to contract and uterine vessels remain open

Double tap to add title

- **Amniotic fluid embolism** : this fluid contain fetal squames ,lanugo hair , material from vernix cells from chorion and amnion , meconium and cellular debris . Possibly contents gain entry either through tears in myometrium and endocervix or amniotic fluid is forced into uterine sinusoids by vigorous uterine contractions . Death may result from :
 - Anaphylactic reaction to amniotic fluid components
 - Mechanical blockage of pulmonary circulation in extensive embolism .
 - DIC due to liberation of thromboplastin by amniotic fluids

Characteristics of Suicidal cut throat

- Wound complex on the neck
- Multiple hesitation cuts at the point of initiation
- One/two deep lethal wounds
- More deep at commencement
- Tailing at termination
- Site high up in the neck and on opposite side of the working hand
- Direction oblique down wards
- Presence of tentative cuts
- Absence of defense wounds
- Weapon may remain clenched in hand due to cadaveric spasm



SUFFOCATION

There are six general forms :

1. Entrapment/ environmental suffocation
2. **Smothering**
3. **Choking**
4. **Mechanical asphyxia**
5. Mechanical asphyxia combined with smothering
6. Suffocating gases