

"Interplay Between Law and Medicine: The Role of Medical Evidence in Criminal Justice"

Dr. Shwetta Bajaj

Abstract

The relationship between law and medicine has evolved significantly, particularly in the realm of criminal justice, where medical evidence plays a crucial role in solving legal issues. This research paper explores the interplay between these two fields, with a focus on the types, importance, and legal framework governing medical evidence in India. The Indian Evidence Act of 1872 and other legal provisions regulate the use of oral and documentary medical evidence, such as expert testimony and medical certificates, in court proceedings. The paper highlights the role of scientific methods, like DNA profiling and forensic analysis, in enhancing legal processes and examines the admissibility and reliability of medical evidence in criminal investigations. Through case studies and judicial precedents, it evaluates the challenges associated with the use of medical evidence, including the issuance of false certificates, and calls for a standardized codified procedure for handling such evidence in Indian courts.

Key Words: Law and Medicine, Medical Evidence, Medical certificates, Forensic analysis, criminal investigation

Introduction

The fields of law and medicine, while distinct, intersect in significant ways, especially in the administration of justice. Medical evidence, drawn primarily from forensic medicine, has become indispensable in criminal investigations and court proceedings. The use of medical reports, expert testimony, and scientific methods such as DNA profiling and forensic analysis aids in determining crucial facts, such as the cause of death or the nature of injuries. Despite the importance of medical evidence, its interpretation and application in legal cases are often subject to scrutiny due to varying standards of admissibility, authenticity, and the potential for misuse. This paper delves into the legal and medical aspects of medical evidence within the Indian legal framework,

emphasizing its significance, the legal provisions surrounding its use, and the challenges that arise from its interpretation in courts.

One of the critical areas where medical evidence holds special significance is in the use of dying declarations, which are considered admissible under Section 32(1) of the Indian Evidence Act, 1872. These declarations are often pivotal in cases involving unnatural deaths, but they are subject to strict scrutiny due to the absence of cross-examination. Courts must ensure that the declarant's mental fitness at the time of the statement is established, typically through medical certification, although eyewitness accounts may sometimes override this requirement.

Through an in-depth analysis of the legal framework, judicial precedents, and the various types of medical evidence, this paper aims to explore the intricate relationship between law and medicine. It will also examine the role of medical professionals, including doctors, forensic experts, and other specialists, in providing crucial evidence that supports the legal system. By highlighting the strengths and challenges of using medical evidence in criminal justice, this research aims to propose recommendations for a more standardized and efficient approach to handling medical evidence in Indian courts. The ultimate goal is to ensure that such evidence enhances, rather than hinders, the fair and equitable administration of justice.

Research Questions

1. What is the relationship between law and medicine in the context of Indian criminal justice, and how has this relationship developed over time?
2. How does the Indian legal framework, including the Indian Evidence Act and the Code of Criminal Procedure, regulate and classify different forms of medical evidence?
3. What is the impact of various types of medical evidence such as expert testimony, medical certificates and forensic technique on judicial outcomes in criminal cases?
4. What are the major challenges associated with the admissibility and reliability of medical evidence in Indian courts, and what measures can be proposed to enhance the accuracy and integrity of medical evidence used in legal proceedings?

5. How do courts ensure the credibility of medical evidence, and what role do factors such as the mental state of the declarant and the presence of corroborative evidence play in the judicial evaluation of such evidence?

Objectives of Research

1. **Analyze the Legal Framework:** Investigate how Indian laws, including the Indian Evidence Act and the Code of Criminal Procedure, govern the use and classification of medical evidence.
2. **Evaluate the Role and Impact of Medical Evidence:** Assess the significance of various types of medical evidence, including expert testimony, medical certificates and forensic techniques, in influencing court decisions in criminal cases.
3. **Identify Challenges and Propose Improvements:** Identify issues related to the admissibility and reliability of medical evidence, and propose recommendations for improving the standardization and handling of such evidence in legal proceedings.

Hypothesis: Properly authenticated medical evidence significantly enhances the fairness and accuracy of criminal justice outcomes, while misuse or inaccuracies in medical evidence undermine the integrity of legal proceedings.

Analysis

Relationship Between Law and Medicine

The Researcher explores the evolving relationship between the fields of law and medicine, highlighting the importance of medical evidence in criminal courts in India. The paper discusses how these sister professions collaborate, especially through the use of scientific knowledge to solve legal issues.

Definition of Medical Evidence

Medical evidence is not explicitly defined in Indian law but is governed by the Indian Evidence Act, 1872. It can be classified into:

- Oral evidence (expert testimony)
- Documentary evidence (medical certificates, medico-legal reports, dying declarations).

Medical evidence is drawn from the field of forensic medicine, and it plays a crucial role in determining the truth in legal cases.

Importance of Medical Evidence

Medical evidence is vital, especially in cases of manslaughter or bodily harm. Expert opinions are used to establish causes of death or the nature of injuries, areas where ordinary individuals lack the necessary knowledge. Medical evidence is integral to criminal investigations, such as in post-mortem examinations and injury assessments.

Legal Provisions for Medical Examinations

The Code of Criminal Procedure, 1973, includes provisions (Sections 53, 53-A, and 54) for medical examinations during criminal investigations. Earlier versions of the law lacked these provisions, making them an important evolution in Indian legal procedure.

Role of Medical Evidence in Court Decisions

Medical evidence can be decisive in proving the guilt of the accused, or its absence can weaken a prosecution's case. For example, in the Jay Haresh Somaiya vs. Narcotics Control Bureau case, the absence of medical proof led to the accused being granted bail, showing how crucial medical evidence can be.

Types of Medical Evidence

Medical evidence is broadly classified into two categories:

- Oral Medical Evidence: Expert testimony by medical professionals under Section 45 of the Indian Evidence Act, 1872.
- Documentary Medical Evidence: Includes medical certificates, medico-legal reports, and quasi-documentary evidence like dying declarations.

Scientific and Forensic Contributions

Evolving scientific methods, such as DNA profiling, fingerprint verification, and ballistic analysis, have significantly contributed to law enforcement and criminal investigations. However, their admissibility as medical evidence is sometimes debated.

Expert Testimony and Other Forms of Reports

Medical evidence is not limited to traditional medical reports. It also includes opinions from various fields such as:

Ballistics and firearms experts

Chemical examiners

DNA profiling experts

Fingerprint analysts

Serologists

These expert reports highlight the depth and importance of medical evidence in legal cases, although the list is not exhaustive.

Definition and Purpose of Medical Certificates

A medical certificate is a statement from a qualified medical practitioner after examining a patient, serving as a basic form of documentary evidence. These certificates are distinct from medico-legal reports but may overlap occasionally. They are typically issued to certify health, age, fitness, disability, and vision.

Admissibility of Medical Certificates in Court

Medical certificates are often admitted as evidence to show a person's health status or medical condition in court. They may also confirm relief from drug addiction or psychiatric illness.

However, certificates issued by unregistered practitioners, as per Section 23 of the Indian Medical Council Act, 1956, are inadmissible in legal proceedings.

Regulations Governing Medical Certificates

The role of medical practitioners is governed by the Medical Council of India, which has outlined the certificates that can be issued. Doctors are bound by Regulation 1.3.3 of the Medical Council of India's Code of Ethics Regulations, 2002, to issue valid certificates and maintain proper records.

Penalties for Issuing False Certificates

Issuing false or misleading medical certificates can result in the removal of a doctor's name from the medical register, leading to the loss of their license. The issuance of a false certificate also constitutes forgery under Section 463 of the Indian Penal Code, 1860, punishable by up to two years of imprisonment, or with a fine. Section 468 further addresses forgery intended for cheating, with penalties extending to seven years of imprisonment and fines.

Guidelines for Issuing Medical Certificates (Delhi Medical Council)

The Delhi Medical Council issued five guidelines for medical certificates, emphasizing that:

- Practitioners owe a duty to the public, and certificates should be truthful.
- Certificates must be drafted on the practitioner's letterhead and should avoid abbreviations.
- Certificates cannot be retrospective except in special circumstances.
- Their validity is limited to 15 days.
- Documentation must include specific patient details, including identification marks and incapacity level.

Judicial Scrutiny and Case Examples

Courts have taken action against doctors who issue false certificates, as seen in Abdul Rehman vs. State where Dr. Gajinder Kumar Nayyar was found to have issued false certificates. Similarly, in Himanshu Dabas vs. State, the Delhi High Court urged caution in issuing medical certificates and suggested that ambiguous certificates be referred to a Medical Board for review.

Researcher's Opinion

Medical certificates hold significant legal importance but are sometimes misused to obtain bail or support false claims. While strict actions are being taken against physicians issuing false certificates, the system lacks an efficient monitoring mechanism to prevent such abuses.

Dying Declaration

A dying declaration refers to a statement made by a deceased person, which is admissible as evidence under Section 32(1) of the Indian Evidence Act, 1872. It is based on the principle that a person near death is unlikely to lie. To be admissible, the declaration must directly relate to the cause of the person's death and is only considered in cases involving their death. These declarations can be oral, written, or conveyed through gestures.

While dying declarations are an exception to hearsay, they are scrutinized carefully since cross-examination is not possible. The courts rely on juristic theories that presume the dying person speaks truthfully due to the solemnity of their situation. However, courts must ensure the statement was not influenced by others and that the person was mentally fit at the time. Medical certification of the declarant's mental state is typically required but can be overridden by eyewitness testimony.

The Supreme Court has affirmed that dying declarations can form the sole basis for conviction if they are credible and voluntary. Various judicial precedents provide guiding principles for handling dying declarations, emphasizing the need for mental fitness, absence of external influence, and corroborative evidence only when doubts arise. The Supreme Court also stated that a magistrate's presence, while ideal, is not mandatory, and no specific format or recorder is required. Overall, the legal framework supports the validity of dying declarations but calls for a codified rulebook to standardize procedures.

In the case of Purushottam Chopra vs. State Government of NCT of Delhi the Supreme Court of India outlined eight key principles for evaluating dying declarations:

1. Reliability: A dying declaration that inspires trust may serve as the sole basis for conviction without corroborative evidence.
2. Mental Fitness: The court must ensure the declarant was mentally fit and that the statement was voluntary, free from influence or imagination.
3. Corroboration: Corroborative evidence is needed if the dying declaration appears suspicious, such as if the declarant's mental state was not examined.
4. Witness Testimony: Medical opinions on the declarant's mental state can be overridden by eyewitness testimony confirming the declarant was fit and conscious.
5. Recording: There are no legal restrictions on who can record a dying declaration, but the recorder must ensure the declarant's mental fitness.
6. Magistrate Presence: Ideally, a magistrate should be present to verify the declaration's authenticity, but attestation from witnesses can suffice if the magistrate is absent.
7. Burns and Credibility: The extent of burns does not affect the credibility of a dying declaration; the focus should be on the declarant's mental state.
8. Sole Basis for Conviction: A dying declaration may be used for conviction without corroboration if it is voluntary, coherent, and consistent, and the court finds it credible.

Researcher's Opinion

It can be said that the aforementioned principles constitute the settled opinions of the Indian Courts in matters pertaining to dying declaration. It is, however, essential for the positive evolution of criminal justice system that a specific codified rulebook incorporating standard guidelines upon the recording of dying declaration, be introduced, in order to curb the snags and impediments - which the Courts time to time discard for smooth administration of law and securing the ends of justice.

Verification of Hypothesis

The hypothesis suggests that properly authenticated medical evidence improves the fairness and accuracy of criminal justice, while misuse or inaccuracies undermine legal proceedings. The

researcher agrees, noting that while existing principles guide the use of medical evidence like dying declarations, a standardized rulebook is needed to address inconsistencies and procedural issues. This would prevent misuse and ensure fair and accurate legal outcomes, supporting the hypothesis.

Conclusion:

This research paper has explored the intersection of law and medicine, with a particular focus on the role of medical evidence in criminal justice within the Indian legal system. The integration of medical evidence, including forensic reports, expert testimony, and scientific analysis, is crucial for determining facts such as the cause of death or the nature of injuries in criminal cases. Despite its importance, the use of medical evidence, especially dying declarations, is fraught with challenges related to admissibility, authenticity, and potential misuse.

The analysis has highlighted that while the principles governing dying declarations are well-established by Indian courts, there are significant issues in the application and interpretation of medical evidence. These include the potential for misuse of medical certificates and the need for a standardized approach to ensure their reliability. The current system, though stringent in addressing false certifications, lacks an efficient mechanism for monitoring and preventing abuses.

To enhance the fairness and accuracy of criminal justice outcomes, this paper recommends the development of a codified rulebook with standardized guidelines for recording and handling medical evidence, particularly dying declarations. Such measures would address existing snags and improve the administration of justice by ensuring that medical evidence is consistently and accurately applied. Ultimately, these improvements aim to strengthen the integrity of legal proceedings and uphold the principles of justice.

References

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