

Credibility of Medicolegal Certificates issued by Medical Officers – A study at two centres

G Q KAHERI M U MEMON K AZIZ A QAZI I R KHALIL

Department of Forensic Medicine, Chandka Medical College, Larkana, Liaqat Medical College, Jamshoro, Khyber Medical College, Peshawar
Correspondence to Dr. Khalid Aziz, Associate Professor

Two hundred and sixty four Medicolegal cases were re-examined during the span of three years for correctness or otherwise of the challenged Medicolegal certificates issued by the first examining medical officers, referred by the higher authorities. More than 55% of issued certificates were incorrect either due to faulty observations and/or defective interpretations, whereas accuracy is mandatory for dispensation of justice. Some measures are also suggested for improvement of the Medicolegal work.

Key words Certificate, Medicolegal Case.

Medical certification is a delicate job requiring great skill and expertise of the certifier. In our daily life, from infancy to senility, there is not a single occasion, when medical certificate is not needed. Certificate of Birth, of age for school admission, employment and marriage, of fitness or otherwise for a job, for competency to enjoy civil rights or to testament, of sickness and death, compensation and claim are few examples to quote. Only Registered Medical Practitioners are allowed to issue such document as authorized by the Pakistan Medical and Dental Council¹

On the other end, Medico-legal Certification regarding physical and sexual assault, poisoning and alcoholism, industrial and road traffic accidents is a job of higher responsibility and a statutory duty of Medical personnel working in government establishments. Some of the Medical Officers are authorized by the Provincial Health Department to perform this skilled work. Medico-legal certificates are produced as scientific evidence in criminal litigations before the courts. Therefore these are open to threadbare scrutiny by the investigators, prosecutors, defenders and the deciders (Judges and Magistrates) before resolution of the matter under trial.

The sensitivity and gravity of these documents can be gauged from the fact that, commonly, it is the only scientific evidence on which life or liberty, exoneration or conviction of an accused depends. Issuing a false certificate amounts to professional misconduct². Factual and correct medico-legal certificate therefore is an invaluable asset with which the interests of the public are intimately connected and in the absence, defective or substandard certification, it is virtually impossible to meet the ends of justice³.

This study is basically aimed to assess the standard of proficiency of certifying doctors, the credibility of the medico-legal certificates and to suggest the means for improvement.

Material and methods

The cases included in this study were examined by the authors along with other Medical Specialists acting as Member of Medical Boards, constituted by Director

General, Health Services Sindh or Directors Health Services Larkana/Hyderabad Division, on the written representation made by the applicants challenging the medico-legal certificate issued by the first examining Medical Officers. The clinical and radiological re-examination of the injured person and scrutiny of issued Medico-legal Certificates were conducted at Chandka Medical College, Hospital Larkana and Services Hospital, Hyderabad, in the presence of the challenger and the first examining doctors.

The opinion thus framed were recorded on the proforma designed for the purpose For maintenance of confidentiality, names of injured person and examining doctors are not mentioned. Assuming that matter might have resolved by now, only cases re-examined in years 1995, 1996 and 1997 are included in this study. Defective observation includes, recording of wrong site, side, dimensions and direction of the wound, whereas defective interpretation means faulty opinion regarding the nature, manner, causative agent or age of the wound

Results

Larkana Division

Year	Total	Correct	Incorrect
1995	30	16(53.34%)	14(46.66%)
1996	33	12(33.66%)	21(63.34%)
1997	46	21(45.65%)	25(54.34%)

Hyderabad Division

Year	Total	Correct	Incorrect
1995	38	17(44.73%)	21(55.27%)
1996	44	18(40.91%)	26(59.09%)
1997	73	32(43.83%)	41(56.16%)

Compilation of results indicates that:-

1. There is year wise upward trend in challenging the Medicolegal certificates issued by the Medical Officers
2. About 55% of the challenged certificates were found incorrect

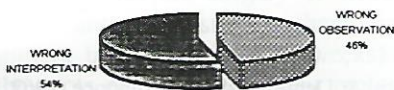
3. Out of total 148 incorrect certificates, 68 (46%) shows defective observation and 80 (54%) shows defect in interpretation.

These results are highlighted in the Graphs.

Credibility of Medicolegal Certificates



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Discussion

The doctor's role in a community can be summarized as:

Preventer: Whose assigned task is to prevent disease and other health hazards. Doctors engaged in E.P.I. Programme, mass education and disease awareness programme are included in this series.

Diagnostician: Whose job is to aid other doctors, by offering his expertise, either locating what is hidden (radiologist, sonologist), quantifying the trace elements (Biochemist, Clinical Pathologist), or what can not be seen by an aided eyes (Micropist).

Healer: Who treats the ailing community as a Physician or surgeon, by prescribing, administrating appropriate medicine or repairing/removing/ replacing the diseased part/ organ

Investigator: He helps the law enforcing agencies by forwarding his qualified opinion regarding cause and manner of death, the mode and magnitude of crime etc, thus assisting them in investigation/detection of crime, in the capacity of Police surgeon, Forensic Physician, Coroner, Forensic Pathologist or Medical Examiner⁴.

Certifier: Issuing of certificate depicting the mental/physical health of patient is one of his known job, whether on the request of patient himself, law enforcers, courts or employers. These roles are well acknowledged by our society and state

*Combined result of both centers

In the Medicolegal context, 'the medical officers working in Public Sector hospitals are assigned the job to examine cases of hurt referred by Police, to certify the nature of injury in legal perspective and to give opinion regarding the causative agent and the age of the traumatized lesion. In few cases, however, Police

additionally inquire about the manner of injury, whether self inflicted, assault or accidental. Provincial governments has designed a proforma for this purpose in which the Medical Officer incorporates his observations and opinion, which later on, is produced by the Police before the courts as a documentary evidence.

The credibility of this legal document depends upon the knowledge, proficiency and integrity of the doctor, which in turn rests upon the training, qualification, aptitude, experience and moral standards of its author.

Issuing of more than 55% incorrect certificates indicates that the Medical Officers instead of doing good to the public, inflicts more injuries to their victims. The sharp weapon in the hands of doctors (i.e. the authority to issue Medicolegal certificate) causes more harm than healing, either to the already traumatized sufferers or innocent accused. Incorrect, substandard or manipulated certificate can jeopardize the right of liberty of an innocent person wrongly convicted; if guilty serves more sentence than he deserves or a wrong doer is set free. In any case, error of judgment /fault of a doctor whether done intentionally (malice) or inadvertently (deficient knowledge) is an imminent threat to the cause of justice.

Such displeasure is also shown by the honorable judges of highest caliber, in well known Mir Murtaza Bhutto tribunal proceedings, which is well documented in the national print media.⁵

As the public interests in the Medicolegal report are immense, therefore, agonizingly expensive and time consuming exercise of second examination by a panel of specialists gets initiated⁶. The rising number of applicants for re-examination and requests for constitution of special medical boards as revealed in this study reflects dissatisfaction and mistrust of the public on the first examining doctors and also shows awareness about their rights. This fact is also documented by other authors⁷.

Defect in observation indicates, causal/hasty examination, deficient basic knowledge about clinical examination and/or manipulation whereas defective interpretation reflects poor knowledge about legal sections, inadequate practical training in Forensic Medicine, inexperienced examiner and vested interests of the certifier. This study reflects that 54% of cases fall under later category.

Medicolegal cases are generally dealt by the junior most doctor of the hospital who do not carry enough experience for performing this job. In this era of specialization, only a properly trained and qualified Forensic man can shoulder this responsibility and yield better results.

Suggestions

Emphasis must be laid down on practical aspects of training at undergraduate level. Students may be posted in Casualty departments/Medicolegal clinics to observe the Medicolegal cases and learn the art of

certification. In the hospitals attached to private medical institutions, Medicolegal clinics can be established. This arrangement would facilitate the public to get prompt emergency care in cases of legal nature in private institutions also (presently refused/referred on this pretext). Additionally this would share work load of the already burdened casualty departments in public sector hospital and also would provide an opportunity of exposure to Medicolegal work to their trainees.

- Preferably the subject of Forensic Medicine may be taught in 4th year MBBS for a better understanding, when trainee has already acquired basic knowledge of surface anatomy, Pathology, Pharmacology and clinical methods in the preceding years.
- The new entrants in the service, irrespective of their gender, must be given additional practical training of this discipline for at least 3 months under the supervision of a qualified trainer, in an institution catering ample Medicolegal work. On the same lines refresher course can be arranged for existing manpower.
- No Medicolegal officer may be posted at a single station for more than 3 years.
- There must be a system of check. Stern disciplinary action may be taken against the wrong doer, if found guilty by his professional brethrens.
- Incentive in the form of service and monetary benefits may be offered to the doctors to undergo postgraduate course in this specialty. For instance, after post graduation he may be given a status of specialist and posted at District/Tehsil Headquarter hospitals. Appropriate fee may be officially fixed for performing

Medicolegal work like examination of injured, autopsy and necropsy on exhumed bodies and also for court attendance. This practice is in vogue in western countries and in our setup. Other specialist like radiologists, Pathologist are getting lion's share from hospital cases.

Conclusion

General perception is that a Medicolegal certificate should be correct in all respects, to help the law enforcers to arrive at a just conclusion. As provision of justice is the duty of state. It is high time to improve the status of Medicolegal work to build the confidence of public in the state machinery like Medical personnel, investigating agencies and courts.

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