



Role of medical jurisprudence in the field of criminal administration of justice in Bangladesh: An analysis with present scenario

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Abstract

Medical jurisprudence is the branch of law that studies the relationship between medical data and legal issues. Medical witness may swear in front of courts, executive bars, licensing agencies, boards of inquiry or instrument or other investigative associations. Physicians in utmost of our country are needed by law to certify individualities for workers' compensations or other public insurance plans. The circumstance of birth on the cause of death to report any cases of specified contagious conditions to the authorities, and to determine when mentally disturbed individualities need to be detained to cover themselves or others^[1]. The use of a Doctor as a substantiation is less common, but may be more important. When Doctors appear in a court to swear about what they've seen, they are subordinated to the same restrictions that, apply to other substantiations. As the discipline evolved, the medical doctor gained enormous authority thereby playing a critical part by furnishing expert opinions in utmost of the cases. With this authority, still, came enormous responsibility to the Doctors developed by the Medical jurisprudence. The article aims to maintain doctor-patient relationship medical negligence, ethical actions and professional misconduct is important. The article emphasizes Medical jurisprudence is a veritably old discipline, but with the advancement of technology and the addition of changes to the legal system, this sector is continually evolving. The Present legal provision provides a detailed analysis of medical jurisprudence from a Bangladesh perspective.

Keywords: Witness, substantiation, post-mortem, videlicet

Introduction

The special branch of the law that deals with the operation of law to drug or, again the operation of medical wisdom to legal problems. Medical jurisprudence may be involved in cases concerning general connections (e.g., paternity testing) or injury or death performing from violence. A necropsy may be done to help determine the agent of death (e.g., a gunshot bane) and how long the person has been dead. Forensic drug is also important in cases involving rape. Ultramodern ways use similar samples as semen, blood, and hair to identify the body of a victim and to compare the DNA of the criminals to that of the defendant through DNA- characteristic^[2]. According to the Law Dictionary Medical Jurisprudence means that wisdom which applies the principles and practice of the different branches of drug to the explication of doubtful questions in a more expansive sense and also comprehends medical police, or those medical precepts which may prove useful to the council or the magistracy. Some authors, rather of using the expression medical jurisprudence, employ to convey the same idea, those of legal drug, forensic drug or, as the state drug^[3].

Conceptual Issues: The word "Jurisprudence" includes 'Juris' means law and 'Prudentia' means knowledge. Medical Jurisprudence is the integration of law, invention, and medical practice with technology at public and global situations. It relates to practice of medical interpreters according to legal consequences. It's the legal aspect of medical practice. Medical jurisprudence demonstrates the medical wisdom, toxicology, institutional body, legal aspect and advanced technology. Concept of law and Medical interpreters are the main components of Medical jurisprudence.

Functions of Medical Jurisprudence

Medical jurisprudence is a vital aspect to exercise of doctors' power in the state. Its functions are pivotal for medical practitioners especially with legal support, which deals with forensic wisdom, legal drug and moral principles. This is because, moral principles are the crucial instruments for registered medical interpreters in their dealings with. Doctors to Doctors, Their cases and the state Medical moxie are pivotal in deaths disquisition due to part of Medical science in the Administration of Criminal Justice.

Relationship between Law and Medical Jurisprudence

The relation relates to legal authorization for Medical Doctor's towards- Doctors-state where the Doctors in utmost countries are fairly obliged to certify persons for worker compensations or other public insurance plans. They need to certify the circumstance of a birth or the cause of a death, to notify the authorities of any cases of specified contagious conditions. Furthermore, they required to determine when mentally perturbed persons need to be detained to cover themselves or others. These routine acts constitute the most frequent tasks of Medical Jurisprudence. Law and Medicine come together more harmoniously in forensic drug, a medical specialty that assists to draw a crime specialist in forensic drug also help Courts very often. In these cases the main disquisition that a forensic specialist employs is a posthumous examination of the body, involving a careful examination of every organ and its contents, with sections of some organs being studied microscopically and subordinated to chemical, and DNA tests. Forensic drug encompasses dramatic conditioning like determining the size and sex of body by examining just a many bones, relating dental pattern or detecting from its cadaver substantiation of rape or of unacquainted murder. It more

generally involves estimating the time- of a person's death or measuring alcohol position in the blood of an automobilist and therefore establishing the degree of disabled judgment.

Criminal Justice System in Bangladesh

The legal system of Bangladesh provides the frame for felonious justice system specific powers, functions and procedures of every institute involved in felonious adjudication. In Bangladesh the felonious justice system consists of four institutions videlicet the police the felonious Courts, the execution and the captivity. A criminal trial is experienced a series of stages videlicet filing the First Information Report (FIR) to police, Complaint to Magistrate, framing of charge, execution and trial and conviction or vindication etc. The proceedings followed in each and the institutions which carry them out are called as a whole the criminal justice system. A criminal proceeding in Bangladesh experienced four stages i.e., (a) pre-proceeding stage, (b) proceeding (c) trial stage and (d) post-trial stage. The police are involved in the pre-proceeding stage for which they enjoy some powers as well. The responsibility of police in this stage commences with the stuffing of the First Information Report (FIR) or complaint with the Magistrate and comes to an end with submission of the police report either in the form of charge distance or final report. In preparing the police report, a thorough disquisition is needed. In case of unnatural death, for case, the duty officer is to part of visit the crime scene to collect forensic attestations and to prepare a probe report. The part of police in this stage is veritably important because the merit of a criminal case completely depends on the police report. The criminal courts are commanded to try offences on submission of police report, establish innocence on spread and award on evidence of guilt applicable judgment. The part of the execution is to decide whether there's sufficient substantiation to bring a suspect to trial in a Court of law and whether or not it's in the public interest to do so. The Criminal Justice of Bangladesh has, *iter alia*, the following introductory features (i) the criminal proceedings followed in Bangladesh are criminal in nature. In the criminal justice system, the whole process is queried between two parties of who is the state and the other is the indicted while the Judge acts as an arbiter between parties. (ii) A person indicted of a crime is presumed to be innocent until the execution proves his guilt. This is a cardinal principle that the indicted, unless he pleads shamefaced, shall be presumed to be innocent. iii) The felonious standard of evidence is that the guilt of the indicted must be proved beyond every reasonable mistrustfulness. That does not mean that the execution must prove the case beyond all mistrustfulness. But if the Judge or Magistrate isn't certain that the state has proved its case, or if they suppose that the indicated interpretation might conceivably be true, they must find the indicted not shamefaced. iv) The burden or onus of evidence generally lies on the execution. Still if the indicated takes any specific plea, the onus will be shift upon him to prove the same. So, the nature of criminal justice system in Bangladesh requires the execution to prove guilt beyond any reasonable mistrustfulness else the benefit of mistrustfulness can be given only when there's any forceful reason which may be gather red from the whole substantiation. Medical Jurisprudence in Criminal Justice System plays the most decisive part both in pre-trial and

trial stages of a criminal proceeding. For example, in case of hurt, rape, death and acid throwing. In chemical examination and report, Doctors opinions are essential for criminal adjudication. In fact, some criminal cases relating to murder, self-murder and force involve complex Doctors-legal issues and the forensic wisdom which is the main part of medical jurisprudence plays a significant part in every league of disquisition and trial of similar cases commenced from the operation and disquisition of crime scene to deposit and assessment of substantiation to court room. The required medical substantiation in the trial of murder, by self-murder and rape probe report, the necropsy (post mortem) report, viscera test report and DNA test reports. In this onset, the procedures of preparing and exercising in the court of the below reports with be discerned and the effect of wrong forensic reports on the forenamed mentioned cases will be enquired into.

Legal principles of Medical Jurisprudenc

To comprehend the legal aspect of medical jurisprudence, it is necessary to understand the structure of the Bangladesh judicial system's classification of laws.

The Penal Code, 1860: The prime criminal legislation Bangladesh is the Penal Code, 1860. The following provisions are to be taken into account while relating medical jurisprudence with the Bangladeshi laws:

The provision provides the definition of injury as any illegal harem to a person's body, mind, reputation or property of any Kind ^[4].

The provision states the definition of hurt as bodily pain, disease, or infirmity caused to any person ^[5].

The Code defines grievous injury and laws down a list of injuries that Comes under the broad head of grievous injury ^[6].

The provision provides for voluntarily causing grievous hurt ^[7].

This section laws down punishment for intentionally inflicting harm ^[8].

The Code provides punishment for voluntarily causing hurt with dangerous weapon is up to 3 years in jail, with or without a fine ^[9].

The provision explains punishment for intentionally causing grievous hurt. The punishment specified is a maximum of 7 years imprisonment or/and fine ^[10].

The section provides that punishment for intentionally cause grievous hurt with a dangerous weapon or means ^[11].

The provision lays down the penalty for inflicting harm by means of poison, etc ^[12].

The provision defines assault as the treat/ attempt to apply force ^[13].

The Evidence Act, 1872: The Evidence Act, 1872 is an adjective law that comprises a collection of rules governing the admission of evidence in Bangladesh courts of law, as well as related Concerns Section 45 and 114A of the Act needs to be taken into account while attaching the importance of medical jurisprudence with Bangladeshi laws. The provision of the Act deals with expert opinions regarding of foreign laws, science or art, or on the identification of handwriting the opinions of individuals are referred to as experts ^[14].

In a rape case, if the question is whether sexual intercourse Occurred without the woman's consent and she indicate that she did not consent in her testimony, the Court shall presume that she had not to Consent ^[15].

In the Code of Criminal Procedure, 1898: The Code of Criminal Procedure, 1898 is the procedural law governing criminal proceeding in Bangladesh. Section 174, 176 are the provisions that need to be taken into account while talking about medical jurisprudence in Bangladesh. The Code states that Police to enquire and report on suicide, etc ^[16]. This Code also provides that Inquiry by Magistrate into cause of death ^[17].

Scope of Medical Jurisprudence in Criminal Administration of Justice in Bangladesh

Medical Jurisprudence plays a crucial role in the criminal administration of justice in Bangladesh. It's have the following scopes:

Legal and Ethical Duties of Physicians:

- Examining the legal and ethical obligation of physicians in providing medical care of individuals involved in criminal cases.
- Evaluating cases where physician's actions or inactions impact the administration of justice.
- Competence or Sanity in Civil or Criminal Proceedings:
- Assessing the competence or sanity of individuals involved in criminal providing including defendants victims and witnesses. To stand a trial, there needs expert opinions on the mental state of defendants to determine their culpability and capacity.

Assessment of world-related injuries and compensation

- Investigating and documenting injuries that occur in the work place to determine liability and eligibility for compensation
- Certification of Death and Assessment of Causes
- Conducting post-mortem examinations and certifying deaths in according with legal requirements.
- Investigation the circumstances surrounding suspicious death to determine the cause and manner of death, including homicide, suicides and accidents.

Forensic Medicine

- Applying forensic medical techniques to collect and analyze evidence crucial and Criminal investigations, prosecutions etc.
- Providing expert opinions on medical evidence such as DNA analysis, toxicology reports, and autopsy finding, to support the adjudication of criminal cases.

In the context of Bangladesh the scope of medical jurisprudence encompasses

A wide range of legal, ethical and forensic issue relevant to the criminal justice system and is fundamental in criminal justice delivery system. Medical professionals play a crucial role probing expert opinions, conducting forensic examinations, and ensuring that justice is served fairly and accurately. By addressing complex medical and legal questions, medical jurisprudence contributes significantly to the effective administration of justice in Criminal cases within the country.

Subject Matters of medical jurisprudence in criminal administration of justice in Bangladesh

In Bangladesh, medical jurisprudence compasses these diver subject matters each playing a critical role in the criminal administration of justice and ensuring accurate and impartial resolution of criminal cases which includes; -

- a. Forensic Examination and Documentations
- b. Cause of Death Determination.
- c. Assessment of Mental State
- d. Examination of Sexual Assault Cases
- e. Evaluation of Age and Identity
- f. Toxicology and Drug Analysis
- g. Medical Evidence in Court
- h. Injury Assessment in Domestic violence and Child Abuse cases.

Compliance with Legal and Ethical standards

Furthermore, it involves the meticulous forensic examination and documentation of injuries, wounds, and other physical evidence relevant to criminal alongside the collection and preservation of forensic evidence in accordance with legal standards also entails the determination of the cause and manner of death through post-mortem examinations and forensic analysis identifying factors contributing to death, such as trauma, poisoning or natural causes by such examination test report. Those are discussed in the following manner:

Inquest Report

The inquest report, also known as the *surat hall* report, is a crucial part of the post-mortem examination process, mandated by sections 174 and 176 of the Code of Criminal Procedure. It aims to investigate and document the apparent Cause of death, including any wounds found on the body and the manner in which they were inflicted. The report includes details, such as the deceased's age; religion, as well as the location and surroundings where the body was found and clothing description. However, it does not involve mentioning details of the assault or identify the assailant (s). Instead, its focus is on if the death occurred under OT unnatural circumstances and the apparent post-mortem hypostasis body temperature and muscle condition may provide important leads for the prosecution.

Post Mortem Hypostasis causes

Post mortem hypostasis also known as post mortem staning refers to a bluish-red color appearance on the skin of the body in case the same comes into the contract of the soil or a hard object while the cold exposed or refrigerated body may have pink color and the deeply bluish-violet or purple color will develop in case the death is caused as a result of asphyxia. However, in case the death is caused by poison, such color will vary depending on what kind of poison has been used. The color is cherry-red in carbon monoxide poisoning and bright-red in hydrocyanic acid poisoning and burns, red-brown in poisoning by tricyanic etc. Post mortem staining begins to form within an hour after death and is well marked in four to twelve hours. The description as to the above matters in the inquest report will assist in identifying the cause as the time of death.

The Body Temperature

After death, the body loses its normal heat by conduction, convection and radiation and gradually attains the same temperature as that of its surrounding known as the ambient temperature. The body temperature, after death, gradually falls at 1:5°C per hour and continues until the temperature of the body equals to that of the environment which is a good indicator as to how long a body has been in situ and

thereby comes in aid to assume the approximate time of death. The most common way of taking the temperature of the body is to use a rectal thermometer or to take a temperature reading from the liver.

The Muscle Condition

The muscle condition of a dead body as documented in the inquest report provides valuable information to approximate the time of death. This includes stages such as relaxation rigor mortis, and subsequent rigor decomposition, which occur within three days after death. However many investigating officers often include unnecessary details in the report, potentially impacting the accuracy of the autopsy finding and hindering the pursuit of justice. A proper inquest report is crucial for the prosecution's case, as it serves as an important basis for determining the circumstances of the offence. An improper report can weaken the prosecution's case and diminish the chances of obtaining justice.

Autopsy (post mortem) Report

Autopsy, or post-mortem examination, plays a crucial role in modern criminal investigation aiming to determine the cause of death. Legal provisions govern the procedure, including precedents like an inquest investigation preceding the autopsy. However, in Bangladesh, medico-legal investigations often fall short of standard practices, with untrained doctors conducting autopsies in district hospitals. The post-mortem report provides vital information for police investigations, but many officers struggle to comprehend its medical terminology. Despite provision allowing for consultation with medical experts, this is often not followed, leading to incomplete or inaccurate reports, potentially thousands of deaths without proper investigation. Additionally, lawyers and judges frequently lack training in interpreting autopsy reports, leading to irrelevant and embarrassing questions during proceedings. Ultimately, the efficacy of the autopsy report in delivering justice relies on proper training, adherence to procedure and collaborating between medical and legal professionals.

Viscera Test Report

The viscera test, which examines internal organs collected during autopsy, is crucial for determining the causes and manner of death, particularly in cases where the cause is unknown, such as unidentified deaths, homicides, suicides, road traffic accidents and non-institutional abortions. This test is essential for detecting substances like sedatives, intoxicants, or poisons, which can alter the perceived nature of death from suicidal to homicidal or accidental. Additionally, the presence of certain substances in the victim's body may affect the legal classification of offenses such as determining if culpable homicide amounts to murder or if a road traffic injury is a case of negligence. However, challenges arise when there is no police requisition, leaving doctors to decide while viscera to collect and preserve^[18].

DNA Test Report

DNA testing is a powerful tool in forensic Science under medical jurisprudence, allowing Scientists to Compare DNA samples from individuals or evidence to establish links or eliminate suspects from a crime. Its reliability and admissibility in court are determined by standards, which assess the scientific validity and general acceptance of DNA

evidence. In Bangladesh DNA evidence has been used in cases such as the conviction of a former DIG for illegal custody of children. However Challenges remain in ensuring the validity and reliability of DNA evidence, including issues such as inadequate, laboratory standards, sample deterioration, contamination and procedural errors. Despite legal provisions' allowing for the admissibility of DNA reports in court proceedings, there is still a needs to establish clear standards for their reliability and accuracy.

Medical Jurisprudence in the field of Criminal Administration of Justice in Bangladesh

In the field of criminal administration of justice in Bangladesh, medical jurisprudence plays a critical role in several aspects: Determining Cause of Death: Medical jurisprudence assists in determining the cause of death through post-mortem examinations and analysis of medical evidence. This information is essential for understanding the circumstances surrounding death and establishing criminal liability.

Providing Expert Testimony

Medical jurisprudence professionals provide expert testimony in court proceeding to explain complex medical concepts, present finding from post-mortem examinations, and offer post-mortem examination, and offer opinions on matters related to medical evidence. Their testimony helps judges and juries understand the medical aspects of a case and make informed decisions.

Assessing Mental State

Medical jurisprudence helps to assess the mental state of the accused including issues relation to sanity competency to stand trial, and diminished his responsibility. This is crucial for determining criminal responsibility and ensuring fair treatment of defendants with mental health issues

Interpreting Medical Evidence

Medical jurisprudence interprets medical evidence, such as injuries, toxicology reports, and forensic examinations to assist in understanding the extent of harm inflicted the cause of injury and any related medical conditions. This inters predation helps in establishing facts and supporting legal arguments.

Educating Legal Professionals

Medical Jurisprudence education and training programs educate legal professionals, including judges, prosecutors, and defense attorney on the medical aspects of criminal cases. This enhances their ability to effectively evaluate and utilize medical evidence in court proceedings.

Ensuring Compliance with Legal Standards

Medical jurisprudence ensures compliance with legal standards and procedures governing the handling and examination of medical evidence. The helps maintain the integrity of criminal investigations and court proceedings and ensure that medical evidence is admissible and reliable. Overall, medical jurisprudence plays a crucial role in the fair and effective administration of justice in Bangladesh by providing expertise in medical matters, supporting legal proceedings with medical evidence, and ensuring that defendants receive fair treatment based on accurate assessments of medical facts.

Conclusion

Medical jurisprudence contributes both the medical and legal fields and has served greatly from the development of the criminal justice system of a country. A lesser understanding and cooperation have evolved, allowing both disciplines to operate further easily. With the advancement of medical jurisprudence, formerly undoable problems aren't fluently settled. It may be used to identify a child's maternity as well as the identification of mortal remains that have been disfigured beyond recognition in incidents similar as lemon blasts plant explosions, and so on. It may be used to break cases involving, murder, rape and other crimes in the subject of substantiation laws. After a person has failed medical jurisprudence, procedures like necropsy which can be used to uncover crucial information that is pivotal to the case. Utmost significantly, criminal administration of justice in Bangladesh, addressing a wide range of legal, ethical, and forensic issues.

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