

EDITORIAL

It is a matter of immense pleasure and proud privilege for me to present this premier issue of official journal of Punjab Academy of Forensic Medicine and Toxicology. I fully acknowledge many shortcomings & pitfalls in this issue which are bound to be there, when an issue is brought out in a short duration. It is an endeavor to channelise the problems and their solutions by highlighting them. I hope you will like the contents of this issue and will be generous enough to appreciate the spirit behind this humble effort. Environment pollution is the burning problem of the day. Supreme Court has to intervene in many cases of environment pollution, when other agencies responsible for maintaining it have failed to do their duties well.

It is also an important part of our duty, when we are dealing with Toxicology to lay proper emphasis on environment pollution so that we can provide a breeding ground for the new ideas & thoughts to make our environment clean. Today there is a chaos as far as our environment is concerned. We are drinking poisons, we are eating poisons and we are inhaling poisons and this trend is on the "increase. It is not that we do not have knowledge of this, but for - short term benefits we are ignoring it. The authorities do not have the will & determination to implement the laws. We will have to act firmly for our own survival and make this earth a better living place for our next generations. This journal is in a budding stage and I aspire as it grows it will give its due contribution towards improving the vitiated atmosphere on this holy planet.

In the medico-legal practice many problems are faced by people & doctors. It will be our emphasis to highlight these in the coming issues and try to find out a solution for these problems. Make it a point to share your problems & views, because these are common & let others utilize these solutions for the benefit of masses.

R.K. Gorea

MEDICAL NEGLIGENCE IN CUSTODIAL TORTURE

Dr. J.S. DALAL, Professor & Head

Dr. R.K. GOREA, Associate Professor

Dr. K.K. AGGARWAL, Assistant Professor

Dr. A.S. THIND, Assistant Professor

Dr. S.S. SANDHU, Lecturer

Department of Forensic Medicine, G.G.S. Medical College, Faridkot.

ABSTRACT

India is a democratic country. Although it has already celebrated the silver jubilee of her independence, but in some cases the word of "Independence" & "Democracy" is forgotten particularly by police personnel, who use third degree methods during the investigations in police stations. When the torture crosses the limit, the help of the doctors is sought. Cases have been reported, where the doctor also showed indifference in treatment of such cases. The present paper is a typical example which falls in this category.

KEYWORDS: Police torture, Medical negligence.

INTRODUCTION:

Physical torture by third degree methods is a common mode adopted by the policeman during Interrogation. Most of the other countries do interrogations by scientific methods like "lie detector" etc., but Indian police still lacks such facilities and it has no option but to apply various methods of torture for extracting truth.

CASE HISTORY:

The present case is an example of such a case. It was in the year 1993 that a person was arrested by police and tortured. When the condition of the victim became serious, he was taken to civil hospital where he was examined by emergency medical officer. According to the report by this medical officer, "the patient was conscious, well oriented in time and space and all his vital signs were normal. He had difficulty in walking and his left thigh and left knee were tender and swollen", except this no other injury was described on his body. The patient was admitted in the hospital and analgesics and local

ointment like thromophob and hot fomentation were prescribed to him. Next day the patient developed the fever which went on increasing for the next 3-4 days and ultimately the patient died in a few days. A case was registered under section 304 IPC against the police. The postmortem examination was done by a board of doctors and in the postmortem report as much as 9 injuries were present on his body. His left leg was swollen with abrasions over it. Other injuries were abrasions and there was no fracture or injury to the vital organ anywhere.

On dissection of the thigh, it was found to have frank pus and about 300 ml pus oozed out on incision. The cause of death given in the postmortem report was septicemia as a result of injury to the left thigh which was antemortem in nature and sufficient to cause death in the ordinary course of nature.

It was, therefore, clear that there was discrepancy in the report of doctor who first examined and admitted the patient and those who conducted the postmortem. Therefore,

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another board was constituted for opinion in this case and the board opined that medical negligence played a role in the death of the victim. Had the thigh infection been treated properly in the form of pus drainage by incision etc., with judicious use of antibiotics, the patient

could have been saved. This case was referred to our department and after going through the entire record we were also of the same opinion and agreed with the opinion of the second board. This opinion was accepted by the police and the case was converted from 304 IPC to 323 IPC.