

A REVIEW ON LEGAL AND CLINICAL DUTIES OF REGISTERED MEDICAL PRACTITIONER IN CASE OF SUSPECTED POISONING**¹Dr. Amrit Malik, ²Dr. Sudhir Malik and ³Dr. Chinky Goyal**¹Associate Professor, Deptt. of Agad Tantra Shri Dhanwantry Ayurvedic College, Chandigarh.²Assistant Professor, Deptt. of Kaumarbhritya, Shri Krishna Govt. Ayurvedic College, Kurukshetra.³Assistant Professor, Deptt. of Ras Shastra and Bhaisjaya Kalpana, Shri Dhanwantry Ayurvedic College, Chandigarh.***Corresponding Author: Dr. Amrit Malik**

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ABSTRACT

Poisoning in the present era is very common and a threat to the life of patient. Broadly the medico legal cases of poisoning are divided into three main categories: namely suicidal poisoning, homicidal poisoning and accidental poisoning. Doctor plays a very important role in saving the life of patients and fulfilling ethical and legal liabilities in such cases. Immediate treatment makes the prognosis better and compliance of legal duties helps in solving the poisoning cases. Hiding or concealing of information in poisoning cases may bring punishment to the doctor. Preserving the gastric lavage fluid, viscera and other articles like bottles, syringes etc. itself lead to important clues for investigation after chemical analysis. Role of Doctor is equally important in treatment of patient and in medico-legal duties.

KEYWORDS: Duties, Poisoning, Medico legal.**INTRODUCTION**

Poisoning contributes a major problem all over the world and its incidence is increasing day by day due to abrupt increase in industries and urbanization. Moreover (in India) due to unemployment and sexual abusing, the deaths due to consumption of easily available poison are more common. A Doctor has ethical and legal liabilities towards these cases and he must follow the laws to handle these medico legal cases. As stated by legal system of India, all poisoning cases are considered as unnatural deaths. There is an old saying of Paracelsus – “Poison is in everything and nothing is without poison, the dose makes it either a poison or a remedy. Doctors are considered next to God, ‘Vaidyo Narayano Harihi’ so the first and the foremost duty of medical practitioner in case of suspected poisoning is to look out to his patient’s interest.

1. Doctor should immediately treat the patient following detection of the type of poison used, if the nature of poison is not known then general treatment of poisoning will be given to the patient.
2. Doctor must record the initial details of the person specifically – full name, age, sex, occupation, date and time of intake of poison, address, brought by whom, route of exposure, type of poison if possible, history etc. in all cases of poisoning :
3. Chiefly there are three types of medico legal cases of poisoning- Accidental, Suicidal and Homicidal.

4. Doctor working in a private hospital if attending the case of suicidal or accidental poisoning is not legally bound to notify police however in the case if death of the patient occurs, the police have to be informed.
5. Doctors working in private hospital are bound to give information of all the homicidal poisoning cases either suspected or definite to the nearer Police Station under section 39 of CrPC, failure to do so will make him guilty under section 176 of Indian penal code. Under section 40 CrPC if the case has already been reported by the village Watchman, Headman or any other officer required under the law to the police, doctor is under no legal obligation to notify the police.
6. Under section 175 CrPC doctor is bound to give information to the investigating police officer if it is required in any case of poisoning. Hiding or not providing information about the fact is punishable under section 202 of IPC and giving false information is punishable under section 177 of IPC.
7. In suspected homicidal poisoning doctor should consult another senior practitioner who must have essential knowledge and experience regarding the case. Possibilities of further administration of poison to the patient should be prevented by the doctor by following ways-
 - The poisoned person will be immediately moved to the hospital where doctor in-charge should be informed of suspicion so that no one is allowed to

- bring food or other items for the patient and no one have approach or access to his medicines.
- If for any reason, the poisoned person cannot be moved to the hospital, either two well trained nurses may be employed with proper instructions or any relative or friend who is in good faith of the patient may take care of him. They all should be informed of the suspicion of homicidal poisoning. Patient must be warned about the doubt of poison given to him if he is an adult.
8. Doctor must collect samples of gastric lavage fluid, vomits, stool, urine, blood and any other articles like bottles, pills, medicines etc. in separate jars, glass bottles with proper label and dispatch the same to the nearest forensic science laboratory for chemical analysis.
 9. If the poisoned person is on the verge of death, record of dying declaration is necessary. It is recorded in the presence of magistrate but if for any reason there is a delay in arrival of magistrate on duty doctor is bound to record the dying declaration is condition (as per section 32, clause -1 of IEA). Even if the statement is recorded by the magistrate doctor must be present to certify that a dying victim was in senses and there is no clouding in the recording of statement.
 10. If the patient dies before exact diagnosis or brought dead at the hospital, doctor must give information to the police. He should not issue the death certificate in such cases.
 11. If police order an autopsy in such cases and doctor who will do the postmortem examination must take special care to preserve viscera and fluids so that it will not hinder the exact diagnosis.
 12. Doctors working in government hospitals will inform all the poisoning cases to the police despite the nature of poisoning (whether Suicidal, Homicidal or Accidental).
 13. In accidental poisoning cases e.g. poisoning occurs after consumption of meal at restaurants or drinking water from the public taps, doctor must notify this case to the public health authorities with immediate effect.
 14. In every case of suspected poisoning doctor must maintain the detailed written record and keep them safe in his custody.

CONCLUSION

Cases of poisoning are very common in India as compared to western countries due to easy availability of agents like pesticides, insecticides, drugs, chemicals used in industries etc. Treatment of these poisoning cases is the prior duty of doctor but he should be aware of all the legal formalities regarding these cases. He should not refuse to treat the case due to fear of legality. Doctor must be very careful in giving his opinion regarding poisoning cases. Registered medical practitioner not only helps the patient but also helps himself by performing his clinical and legal duties.

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