

# How to Avoid Litigations in Medical Practice

## MEDICO-LEGAL CASES( MLC)



Dr. Arun Gupta  
President, DMC

e-mail : dr.arun.medicolegal@gmail.com  
Ph.9811106056

A MLC is defined as "any case of injury or ailment, where the attending doctor, after history taking and clinical examination considers that investigations by law enforcement agencies are warranted to ascertain circumstances and fix responsibility regarding the said injury or ailment according to the law or the case itself brought as MLC by law enforcing agencies for medical or surgical care."

### ISSUES IN MEDICO-LEGAL CASES

#### Who is responsible for labeling a case as MLC

- It is purely the responsibility of an attending doctor to decide, whether to label a case medico-legal or not.
- If police brings case there is no problem in labeling. The difficulty arises, when the injured person comes himself or brought by his relatives who try to conceal the facts.
- The decision to label a case MLC should be based on professional judgment after a detailed history taking and through clinical examination.
- Request of the patient or the accompanying relative or friend for not registering the case as medico-legal, should not be entertained.
- In case causality medical officer has not labeled a case of medico-legal, but on admission the ward doctor in charge thinks so, he should inform the same to the head of department, consultant on duty and duty officer, advising him to inform the case to the police and go ahead in fulfilling the formalities. In such cases, MLC will be labeled as "Late MLC".

#### Informing the police and starting the treatment.

- The police should be informed in all medico-legal cases. Any failure to report the occurrence of a MLC may invite prosecution under sections 176

and/or 202 of IPC.

- It is important to remember the treatment of every medico-legal case takes precedence over medico-legal formalities. Supreme Court in a judgment has clarified that Police activities can wait, the life of the victim is important and hence, the treatment must be instituted immediately.
- As soon as the emergency care is over and the patient is stabilized, the process of informing the police may be started.
- In hospital setup information can begin to locally posted constable.
- Inform local police station telephonically and note the diary number.
- If local police station does not give the diary number than better call 100 and take diary number.

#### Can treatment be refused in medico-legal cases?

Although private practitioners have a choice of selecting the patient, all doctors are legally bound to provide care

in case of emergency without considering whether case is Medico legal or not. However all Govt hospitals and Govt aided private hospitals cannot refuse Medico legal cases.

#### Cases that are to be labeled as Medico legal

1. Roadside accident, factory accident or another natural mishaps.
2. Cases of injuries and burns - the circumstances of which suggest commission of an offense by someone.
3. Cases of suspected or evident sexual assault.
4. Cases of suspected or evident criminal abortion.
5. Cases of unconsciousness where its cause is not natural or not clear.

6. All cases of suspected or evident poisoning or intoxication.
7. Cases referred from courts.
8. Cases brought dead with improper history creating suspicion of an offense.
9. Suspected or evident homicides or suicides including attempted ones.
10. Death that occur during, in association with, or as a result of diagnostic, therapeutic, or anesthetic procedures
11. All cases of alleged Medical Negligence.
12. Any other case not falling under the above categories but has legal implication.

#### **Whom should the body be handed over to?**

- Whenever death occurs in any medico-legal case the body should be handed over to the police. In no case such bodies shall be handed over to relatives directly. However, relatives must be informed accordingly.
- Even if relatives say they do not want MLC and postmortem, do not hand over body to them.

#### **Who decides whether Postmortem should be done or not?**

- The power to order postmortem examination is vested with the police authority under section 174 CrPC and not with the doctor. Doctor has just to inform the police regarding the death.
- The investigating police officer has power to hand over body to relatives without postmortem. But its entirely policeman's decision. A physician must not take decision in his hand.

#### **Documentation in MLC**

- Medical records must be thorough, complete and should document each and every significant event in the course of care of the patient.
- The complete available particulars of the patient should be noted down along with two identification marks. Particulars of the person accompanying the patient will also be noted down.
- In case of discharge/transfer/ death of such a case in the hospital, the police should be informed.
- Documents should be prepared in duplicate,

preferably written with a ballpoint pen.

- Avoid overwriting. If any overwriting or correction is made, it should be authenticated with the signature of the attending doctor. the person which has been cut should be legible even after cutting.
- Medico legal documents are confidential records and should be stored under safe custody to avoid tampering.

#### **Precautions to be taken in MLCs**

- All evidence/ specimens, bullets, pellets should be identified, sealed and labeled properly. They should be kept in safe custody and handed over to the investigating officer of the case.
- All evidence collected should be mentioned in medico-legal documents.
- A receipt for handling over the body to police should be taken and kept along with the case documents.
- All clothing worn by any injured patient and removed in hospital should be carefully preserved. They should be packed only after drying. If wet bloodstains are present they should be labeled properly.
- Vaginal and anal swab should be sealed and signed by the examining doctor before handling over the police officer.
- Samples like gastric lavage, blood, urine, etc. should be collected and sealed in suspected cases of poisoning cases and handed over to investigating officer for chemical analysis.
- All articles preserved shall only be handed over to police after obtaining proper application and receipt.

**Dr. Arun Gupta, MD**

President, Delhi Medical Council

e-mail : [dr.arun.medicolegal@gmail.com](mailto:dr.arun.medicolegal@gmail.com)

Ph.9811106056

**Ps. soon will start articles on medico-legal cases pertaining to various specialties. If you have any query related to your specialty please mail it to [dr.arun.medicolegal@gmail.com](mailto:dr.arun.medicolegal@gmail.com) or WhatsApp 9811106056**