

Essentials of **FORENSIC MEDICINE & TOXICOLOGY**

DR. DHARMENDRA SHARMA

Ph.D., M. D. (HOM), PGDMLS,
PRINCIPAL

&

HEAD OF DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
AT

DR. D. Y. PATIL HOMOEOPATHIC MEDICAL COLLEGE &
RESEARCH CENTRE PIMPRI, PUNE 18

DR. D. Y. PATIL VIDYAPEETH (Deemed to be University), PUNE



B. JAIN PUBLISHERS (P) LTD.

INDIA—USA—EUROPE

Preface

“An investment in knowledge always pays the best interest.”

—**Benjamin Franklin**

Doctors have a tryst with Forensic medicine several times in their medical career. It can be with respect to the Medico legal management of cases, acquainting oneself with the newer amendments of the Medico Legal Acts or providing a Medico legal counsel to the patients. Medical students are required to read several books of a particular subject to gain knowledge about each topic and cover every aspect of it.

The publication of this book has been the author's longstanding dream so as to help his students by providing them a wholesome knowledge of Forensic Medicine and Toxicology. With an extensive teaching experience in the subject of Forensic Medicine and Toxicology, the author aims to give a comprehensive panorama to the students for understanding the subject precisely. The students will find this book extremely helpful while preparing for exams as an entire chapter is exhibited on the same page.

Essentials of Forensic Medicine and Toxicology is a beautiful amalgam of sections of Forensic Medicine, Forensic Toxicology, Toxicological charts, Medico Legal Acts and Medico Legal Certificates. The language used in this book is simple and illustrative. Each topic has been explained briefly under the respective section. It is one of the few books to discuss and outline various Medico Legal Certificates. The poisons have been classified and condensed in a tabular form. Several Medico Legal Acts have been summarized in the form of flow charts for a quick review by the reader.

To conclude, the author adds that this book has been written with utmost care and hopes to arouse interest in the subject of Forensic Medicine and Toxicology amongst the readers.

— **Dr. D. B. Sharma**

Acknowledgement

I am thankful to the management of Dr. D. Y. Patil Vidyapeeth, Pune and am extremely grateful to Dr. P. D. Patil who has always inspired me and been a rock of support

I also extend my gratitude towards Dr. Smita Jadhav, Director and Trustee, Dr. D. Y. Patil Vidyapeeth Society, Pune for her efforts to improve Homoeopathic education.

I would like to thank Dr. N. J. Pawar, Vice- Chancellor, Dr. D. Y. Patil Vidyapeeth, Pune for his constant moral and administrative support.

I also wish to extend my special thanks to all my colleagues and friends for their help and good wishes.

Foreword

“There are no secrets to success. It is the result of preparation, hard work and constant learning”

Essentials of Forensic Medicine and Toxicology written by Dr. Dharmendra Sharma, is certain to draw the interest of students studying all disciplines and branches of medicine and will also be useful to all people linked professionally with Medico Legal services.

The subject of Forensic Medicine and Toxicology is presented in a distinct and unique layout giving a clear view and easier understanding to all the students and others who read this book.

The book has been divided into sections of Forensic Medicine, Forensic Toxicology, Toxicological Charts, Medico Legal Acts and Medico Legal Certificates. The chapters are dealt with description in detailed tabular manner so that whilst reading, the students do not lose the soul of the subject. The easy layout and tabulated format of this book brings out the essence of the subject in a simple overview and will definitely help students to study more methodically.

It gives me great personal pleasure and satisfaction to write this foreword.

Dr. P. D. Patil

Chancellor- Dr. D. Y. Patil Vidyapeeth, Deemed to be University, Pune

Director- Dr. D. Y. Patil Vidya Pratishthan, Pune

Publisher's Note

The idea behind this book is to provide a wholesome knowledge of Forensic Medicine and Toxicology in a simple and illustrative manner. The book is a beautiful amalgam of sections of Forensic Medicine, Forensic Toxicology, Toxicological charts, Medico Legal Acts and Medico Legal Certificates.

With an extensive teaching experience in the subject of Forensic Medicine and Toxicology, the author aims to give a comprehensive panorama to the students for understanding the subject precisely.

The author in the beginning has given an apt explanation as to how the study of Forensic Medicine and Toxicology will help a Homoeopathy student. Each topic has been explained briefly in a simple language under the respective section. It is one of the few books to discuss and outline various Medico Legal Certificates. Several topics have been condensed into a tabular form or are presented in the form of a flow chart for an easy comprehension.

The students will find this book extremely helpful to understand even complex topics and it also fulfills the need for a quick reference book while preparing for exams.

The project could not have been completed without the support and guidance of our editorial team at B. Jain. We hope the students will relish this valuable work. Suggestions are always welcome.

Manish Jain

Director, B. Jain Publishers (P) Ltd.

Need of Forensic Medicine and Toxicology for a Homoeopathic Student

Dr. Samuel Hahnemann in his Aphorism 1 of the sixth edition of Organon of Medicine says that “A physician’s high and only mission is to restore the sick to health, to cure, as it is termed”. Providing treatment to the patient is one of the many important duties of a Homoeopathic physician. In the efforts of doing so, a Homoeopathic doctor often neglects his medico-legal responsibilities towards the patient, his fellow doctors and the State.

Although Forensic Medicine and Toxicology is a subject which is taught extensively in II BHMS, Homoeopathic students tend to take this subject very lightly being unaware of the importance of it in their day-to-day lives. The tryst with the law begins as soon as the students need to register with the council/ law for the license to practice.

Doctor-Doctor, Doctor- Patient and Doctor-State relationship is an inevitable part of the daily life of any medical professional. Forensic Medicine and Toxicology is the only subject which deals with these issues. Knowledge of the law by a doctor is of utmost importance as we now are in times wherein medical professionals and patients often cross each other’s paths and seek justice from the court of law.

A Homoeopathic doctor should be well trained in medical jurisprudence/ Forensic Medicine and Toxicology to be able to have a successful career without medico-legal complications. He also needs to be well read in the subject so that his knowledge may serve the purposes of law, both civil and criminal.

The Constitution of India has laid down various laws in the Criminal Procedure Code, Indian Penal Code and the Indian Evidence Act regarding the conduct, rights and duties of a registered medical practitioner. The law states that a physician, irrespective of his pathy, who is registered under their council, is liable to examine, investigate and provide an opinion on all the unnatural cases in order to gather evidences to be presented in the court of law.

The Homoeopathy Central Council Act of 1973 in its Chapter 3 and Section 15 states that a Registered Homoeopathic Physician shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified

medical practitioner. He/she shall be entitled to give any evidence at any inquest or any court of law as an expert under Section 45 of the Indian Evidence Act, 1872 on any matter related to Homoeopathy.

Medical ethics are the moral principles for the members of the medical profession while dealing with their doctor colleagues, patients and with the State. Medical etiquettes are the conventional laws and customs of courtesy which are generally followed amongst fellow doctors. A Homoeopathic student and a Homoeopathic physician should be able to follow these universal codes of ethics and etiquettes and the knowledge of it will be obtained by the study of Forensic Medicine.

The medico-legal responsibilities of a Homoeopathic doctor are:

- Responsibilities towards notifying the local authorities of the births, deaths, any infectious diseases or industrial diseases.
- Responsibilities towards the State:
 - Responding to the military emergencies
 - Reporting cases of homicidal poisoning or injuries
 - Reporting unnatural deaths
 - Reporting abuse
- Responsibility towards patients by examining, investigating, diagnosing and treating the patient
- Issuing certificates to the patients
- Sending pathological material to the Forensic Science Laboratory
- Examination of the accused under arrest

The duties of a homoeopathic doctor also include referring the patient to higher centres for advanced management and maintaining appropriate documentation of the case. A doctor is legally and ethically bound to provide primary treatment to the patient before referring them to the higher centres.

The Section 39 of the CrPC states that a doctor will be held punishable if he fails to inform the police about the unnatural cases due to various reasons. The sound knowledge of Forensic Medicine would shield a Homoeopathic physician from similar punishments.

Under Section 45 of the Indian Evidence Act, a Homoeopathic physician can be summoned to the court of law as an expert witness. Hence, a Homoeopathic physician should possess knowledge about the procedures followed in the court of law, which can be only obtained from the study of Forensic Medicine.

A Homoeopathic physician who is an employee of any institute which possesses the permission to conduct and attend post mortem examinations can assist in medico-legal work. The Homoeopath can complete a training of 3 months duration to be eligible for such a post. The medico-legal work can be detailed as follows:

- Examination of the injuries inflicted on the victim
- Management of a case of alcohol intoxication
- Collection of samples including blood samples for grouping, toxicological samples, etc.
- Sending the collected samples to the Forensic Science Laboratory.
- Maintaining proper documentation of the obtained reports and transactions
- In-time collection of evidences

In cases of Toxicology, the Homoeopathic doctor should be able to identify the type of poisoning in the victim. He should be able to differentiate, with the help of the signs and symptoms exhibited by the patient, the difference between a natural disease presentation and a case of poisoning. The Homoeopathic doctor should provide the primary management to the victims of poisoning and then refer the patient to the higher centres for further management. This challenging emergency can be well managed and tackled only by gaining thorough knowledge of the various toxins and poisons. The study of Forensic Medicine and Toxicology will also educate the Homoeopathic student about the mandatory protocols to be followed in a case of poisoning in a patient.

The recent studies show that there is an increasing trend in violence against doctors. A study conducted by the Indian Medical Association states that almost 75 percent of all doctors in India have been victims to abuse, either verbal or physical. These increasing acts of violence and harassment against the doctors call for better provision of facilities of protection from the Government and the hospitals. Along with it, the doctor himself should be well versed with his right.

A bench of Justices DY Chandrachud and Hima Kohli affirmed the Bombay High Court verdict which held that doctors and healthcare service providers are covered under the ambit of the Consumer Protection Act. Supreme Court said healthcare services are not excluded from Consumer Protection Act. The Government of India has notified the Epidemic Diseases (Amendment) Act, 2000 on 28th September 2020. The amended act provides that acts of violence against healthcare personnel during any situation would be cognizable and non-bailable offences. Commission or abetment of such acts of violence shall be punished with imprisonment for a term of three months to five years, and with a fine of Rs.50,000/- to Rs.2,00,000/-.

If a Homoeopathic doctor is familiar with the acts and the amendments of the various acts, he would know what are his rights and privileges endowed to him by the law, thus making him stronger to fight back and stop atrocities faced by them. Thorough knowledge of the various acts and codes provided by the law can not only add to the knowledge of the Homoeopathic doctors but also makes one aware and prepared for current burning issues.

Homoeopathy and its practitioners are no different from the other branches of medicine and there can be no differentiation in the basic knowledge of any branch of medicine.

Homoeopaths cannot practice bereft of the knowledge of Forensic Medicine and Toxicology.

Contents

<i>Preface</i>	<i>iii</i>
<i>Acknowledgement</i>	<i>v</i>
<i>Foreword</i>	<i>vii</i>
<i>Publisher's Note</i>	<i>ix</i>
<i>Need of Forensic Medicine and Toxicology for a Homoeopathic Student</i>	<i>x</i>



FORENSIC MEDICINE

1. Forensic medicine and legal procedures	03
2. Medical ethics for homoeopathy	11
3. Personal identification	37
4. Thanatology	49
5. Injury	53
6. Thermal injury: burns & scalds	57
7. Regional injuries	61
8. Firearm injuries	63
9. Violent asphyxial deaths	69
10. Legal and ethical problems with aids	73
11. Hazards of blood transfusion	75
12. Starvation	77
13. Forensic psychiatry	79

14. Impotence, frigidity, sterility	85
15. Virginity and defloration	93
16. Pregnancy and delivery	97
17. Abortion	103
18. Infanticide	107
19. Sexual offences	113



FORENSIC TOXICOLOGY

1. Forensic Toxicology	119
------------------------------	-----



TOXICOLOGY CHARTS

1. Corrosives	126
2. Irritants I	129
3. Irritants II	132
4. Irritants III	135
5. Cerebral Poisons I	137
6. Cerebral Poisons II	139
7. Cerebral Poisons III	141
8. Cardiac Poisons	144



MEDICO LEGAL ACTS

1. Borstal Schools Act	149
2. Central Council of Homoeopathy Act	150
3. Consumer Protection Act	151
4. Employees State Insurance Act	152
5. Indian Evidence Act	153
6. Injuries Act	154

7. Lunacy Act	155
8. Medical Termination of Pregnancy Act (MTP Act)	156
9. Narcotic Drugs and Psychotropic Substances Act (NDPS Act)	157
10. The Pre-Natal Diagnostic Techniques Act (PC-PNDT Act)	158
11. The Prohibition Of Child Marriage Act	159
12. Workmen's Compensation Act	160



PART V

**FORMATS FOR
MEDICO-LEGAL CERTIFICATION**

1. Accident register- cum- wound certificate	163
2. Police intimation	164
3. Proforma for recording dying declaration by a medical practitioner	165
4. Treatment/ Discharge certificate	166
5. Certificate of drunkenness	167
6. Medico-Legal register	168
7. Report of examination of a male accused in sexual offence (including potency)	169
8. Report of examination of a female victim of sexual assault	170
9. Report of examination of a victim of unnatural sexual offence	172
10. Report of examination for evidence of recent delivery	173
11. Report of examination of a victim alleged to have been drugged	174
12. Certificate of examination by a medical officer	175
13. Certificate of examination by a specialist medical officer/team of specialist medical officers	176
14. Certificate of collection of material objects from the body of a person for chemical examination, DNA profiling, examination of FSL, etc.	177
15. Label to be attached to the material objects preserved during a medico-legal examination	178
16. Report to be forwarded with material objects sent for chemical analysis	179
17. Label to be affixed on the sealed packet of different material objects collected from one medico-legal examination, for dispatch to the center of analysis	180
18. Report of examination for estimation of age	182
19. Request for radiological examination as part of estimation of age	183

20. Mortuary register	184
21. Register of postmortem examinations	185
22. Receipt for dead body for postmortem examination	186
23. Form of application cum certificate of authenticity (of the copy of Postmortem certificate, for the purpose of Insurance claim)	187
24. Post-Mortem detailed notes	188
25. Post-Mortem certificate	192
26. Label to be attached to material objects sent for chemical analysis (Preserved during Postmortem examination)	194
27. Report to be forwarded with the material objects sent for chemical analysis (preserved during postmortem examination)	195
28. Label to be affixed on the sealed packet for chemical analysis of viscera and other material objects sent to chemical examiner	196
29. Final opinion as to cause of death	197
30. Ambulance/ Cremation/ Burial/ Embalming certificate	198
31. Format for referring a postmortem examination to police surgeon through investigating police officer or magistrate	199
32. Form of application cum No Objection Certificate (For issue of Postmortem Certificate, to the legal heirs of the deceased)	200



FORENSIC MEDICINE

B JAIN PUBLISHERS PVT LTD

Forensic Medicine and Legal Procedures

TERMS USED IN FORENSIC MEDICINE

Forensic Medicine [also known as Legal or State Medicine]

Forensic Medicine is the application of medical & Para medical knowledge in the administration of law & justice.

Medical Jurisprudence

Medical Jurisprudence means legal aspects of practice of medicine.

Legal Procedures

Legal procedures in India are based on the Indian Constitution.

Criminal Procedure Code [Cr. P. C]

Criminal Procedure Code deals with the procedure of investigation and trial of offences within the limitation of Union Territory of India except for Jammu & Kashmir, Nagaland and some other tribal areas for some chapters.

Indian Penal Code [IPC]

Indian penal code describes punishments for different enlisted offences and different courts authorised to try different offences.

Code of Civil Procedures

Code of civil procedures deals with the procedures to dispose off disputes between two individuals or two sides, disputes which do not amount to offence.

Inquest

Inquest means investigation or inquiry into the cause of death, where death has occurred in a suspicious circumstance, not due to a natural cause. Inquest may be held by:

- Executive Magistrate [176 Cr. P. C]
- Police Officer (most common in India) [174 Cr. P. C]
- Coroner
- Medical Man

Cognizable Offence

Offence where police can arrest a person without any warrant from the Magistrate like murder, rape, etc.

Non-Cognizable Offence

Offences where the police cannot arrest a person without a warrant from a Magistrate amount to

non-cognizable offences.

Table 1.1: Difference Between Coroner's and Police Inquest

	Coroner's Inquest	Police Inquest
1.	Coroner's inquest is done by a government official with a legal qualification, having a rank at par with a 1st Class Magistrate	Done usually by a police officer, of the rank of a Sub-Inspector, Asst. Sub-Inspector or even a Head Constable.
2.	It is totally abolished from India.	Held all over India, except at Mumbai and a part of Kolkata
3.	Coroner could issue a warrant arrest.	A police officer, of any rank, cannot issue a warrant of arrest.
4.	Coroner does not work under the supervision of any Magistrate	A police officer has to work under the control of a Magistrate
5.	A Coroner could order exhumation.	A police officer, of any rank, cannot order it.
6.	Coroner could order a Doctor to hold an autopsy and subsequently to depose before him.	Police officers of any rank cannot order a Doctor to hold an autopsy/ depose before him.
7.	Coroner could direct examination of viscera	Police cannot do a direct examination of viscera

Warrant Case

It is instituted on Police reports in connection with cognizable offence and punishment is always more than 1 year.

Summon's Case

It is initiated by a complaint in respect of a non-cognizable offence and punishment is imprisonment for less than 1 year.

Summary Trial

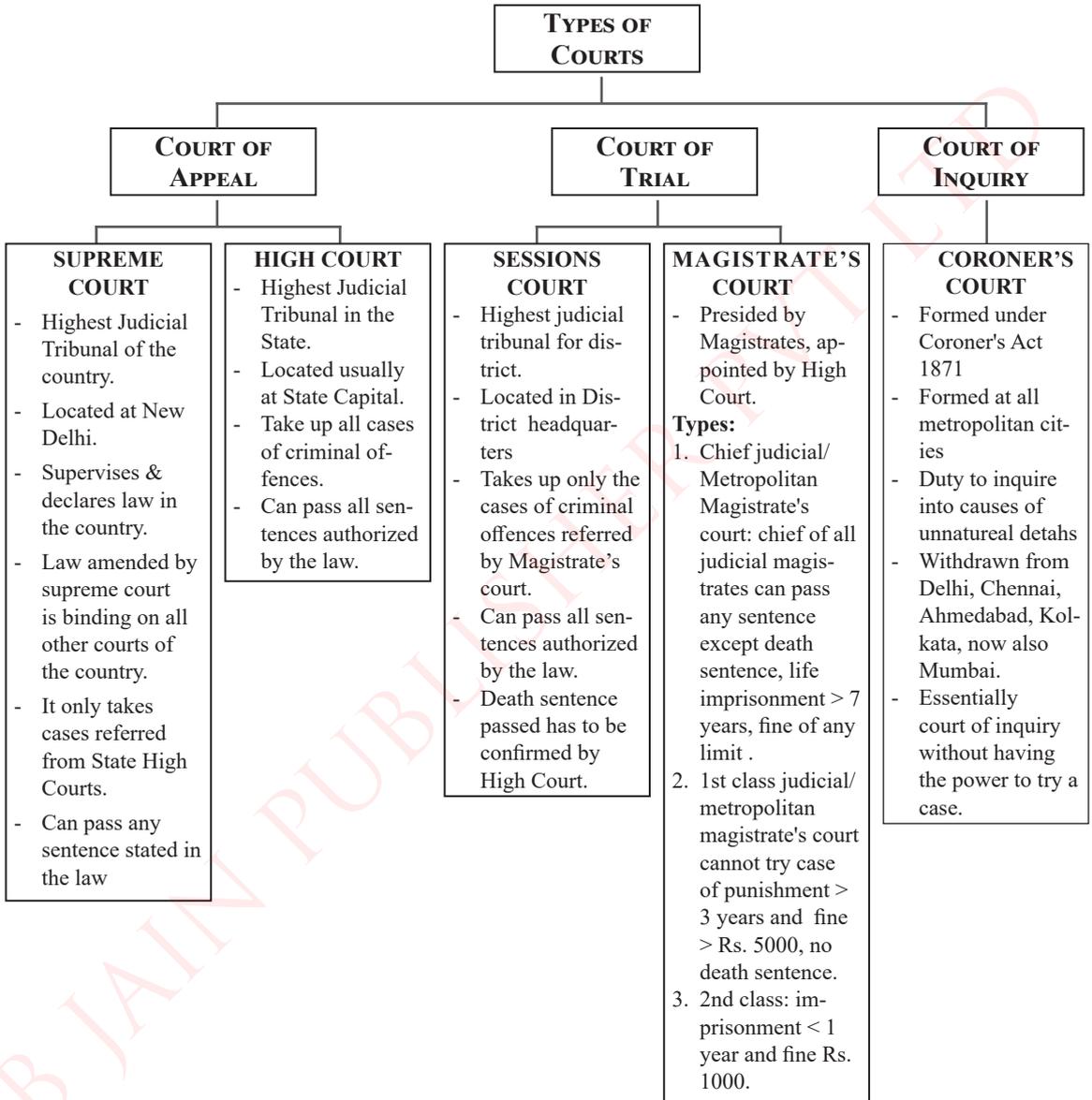
Chief Judicial/ Metropolitan Magistrate/

Judicial Magistrate of 1st Class may conduct summary trials for the following cases:

- Offences not punishable for a term more than 2 years
- For theft, receiving/ assisting in receiving/ disposing of stolen property (Sec 260 Cr. P.C)

2nd Class Magistrate may conduct summary trials for any offence punishable only with fine/ imprisonment for a term not more than 6months (Sec 261 Cr. P.C)

Fig 1.1: Types of Courts



TYPES OF EVIDENCE

Perjury

When a person under oath gives false evidence in a court of law. Perjury is punishable with imprisonment up to 7 years; false evidence not un-

der oath is punishable up to 3 years.

Evidence

Evidence means any statement in relation to a matter or fact under inquiry or a document for inspection of the court

Fig. 1.2: Types of Witness

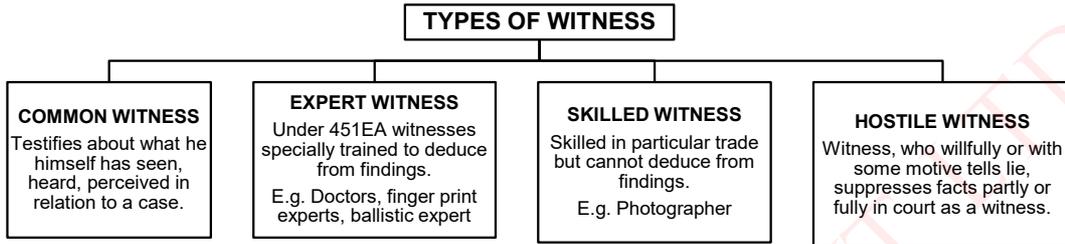
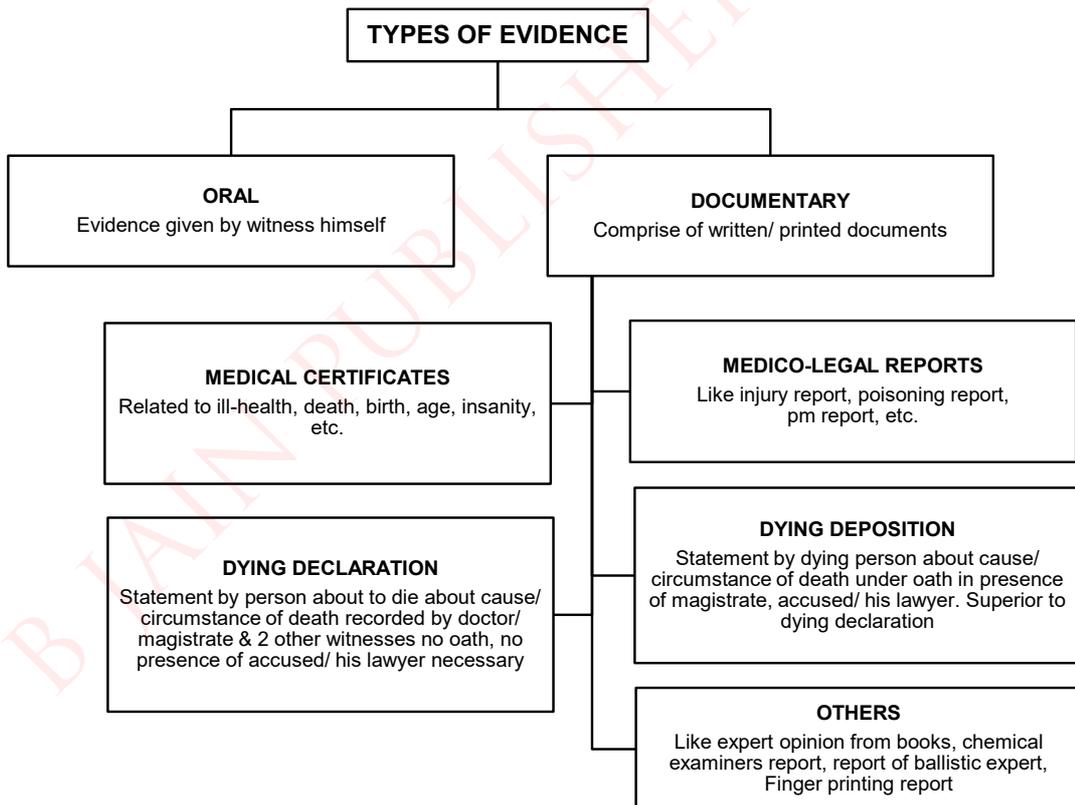


Fig 1.3: Types of Evidence



SPECIFIC TERMS IN SOME CASES

Proved Evidence

Court either disbelieves the existence of some matter or reasonably considers its probable existence. [Evidence proves existence or non-existence of something]

Disproved Evidence

Court either believes its non-existence or considers its non-existence reasonably probable. [Here the court fails to prove something.]

Conclusive Evidence

When one matter naturally proves a second matter, if the first is proved to be a fact then the second matter is regarded as proved & then no other evidence is allowed to disprove the second matter, as the second matter then starts conclusively proved.

Prima Facie Evidence

Evidence considered on its face value as proof unless proved otherwise.

Direct Evidence

Existence of any fact pertaining to what is seen, heard perceived, is attested by the actual witness through oral evidence.

Indirect Evidence/ Circumstantial Evidence

Evidence which inferentially proves the occurrence of principle fact with reference to happening in the surrounding & limiting circumstances

Relevant Evidence

Relevant evidence is evidence having a direct bearing upon the point of fact in issue. E.g. - A letter of threatening.

Material Evidence

Evidence supplied on a material object, having a substantial and relevant bearing upon the matter in dispute. E.g. - weapon of offence

Competent Evidence

Written documents where its content may be subject to inquiry.

Hearsay Evidence

Hearsay evidence is evidence not relating to one's experience or knowledge, but mere repetition of what the witness has heard or propagated.

Medical Evidence

It is a legal means to prove or disprove any medico-legal matter in question.

Corpus Delicti

CORPUS DELICTI means dead body, findings on which or appearance of which suggests that some illegal (criminal) act has occurred relating to the death of the person.

COURT PROCEDURE

Court procedure starts from the receipt of the summons.

Summons/ Subpeona

It is a writ issued by the presiding officer of a court, compelling attendance of a witness before the court on a particular day & time, failure to comply will lead to an award of a penalty. CIRCUMSTANCES WHERE WITNESSES CAN RETURN THE SUMMONS

- Witness is indisposed
- Witness already engaged in an important official business

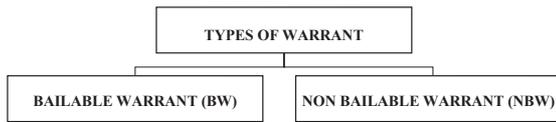
- Witness already received another summons, either from a court of the higher or same status. [Priority of one court over another]

Attendance In Court

Usually to report by the time noted on the summons. If he/ she fails to attend in time, a WARRANT can be issued to compel his/ her attendance.

Warrant

Warrant is an authority under the seal & signature of the court to a person to arrest somebody and produce before the court to be dealt with according to law.



Conduct Money

It is the money paid by the court to a witness to meet his traveling expenses and to a professional person to meet his (token) professional loss.

Oath Taking

Before deposition starts witness must take the oath. Unsworn person is not admissible to the court of law, except when a person is below 7ys of age. Oath is as follows: "I solemnly affirm that I shall speak the truth, whole truth, nothing but the truth."

As per 193 IPC if a person willfully makes a false statement under oath he is considered guilty of the crime of PERJURY.

Recording Of Evidence

After taking the oath the recording of evidence will be done in the following order.

- Examination in chief
- Cross-examination
- Re-examination
- Court questions

MALPRACTICE AND NEGLIGENCE IN MEDICAL PRACTICE

MALPRACTICE

Criminal Negligence

Gross careless or negligent act of the doctor causes serious bodily harm or death of the patient. [Liable to punishment as per IPC & Cr. P.C]

Civil Malpractice/ Civil Negligence

Malpractice is the absence of reasonable care & skill in a doctor during his course of treating his patient or his willful negligence in a patient's treatment causing some damage, bodily injury or death of the patient.

Negligence

Omission to do something which a reasonably competent medical practitioner guided by the prevailing standard of a medical practitioner, guided by the prevailing standard of medical knowledge and practice and such other considerations, which ordinarily should regulate the conduct of a medical man, would do or doing something which such a reasonably competent medical man would not do, leading to some harm or damage to the patient.

Criminal Malpractice

Commissioning of wrong by a doctor causes serious bodily harm or death of the patient. [Liable to punishment as per IPC & Cr. P.C]

Such act of negligence (as per definition of negligence) on the part of the treating physician which causes some suffering, harm or damage to the patient which can be compensated by paying money & does not come under the purview of Cr. P. C & IPC and does not demand legal punishment of the doctor.

Ethical Malpractice [neither amounts to criminal nor civil negligence]

Those acts of breach of ethics of medical practice which though may or may not amount to negligence may lead to debarring the physician, on the decision of the State Medical Council.

Doctrine of RES IPSA LOQUITUR

RES IPSA LOQUITUR means facts speak for themselves.

B JAIN PUBLISHER PVT LTD

Medical Ethics for Homoeopathy

INTRODUCTION

“Do good and avoid evil”, is the basic concept upon which medical ethics are based upon. Medical ethics is a code of behavior accepted voluntarily within the profession as against the rules and regulations enforced by official legislation. Ethics and laws share the social purpose of encouraging the right conduct. Laws achieve this purpose through the sovereign power of the Government while ethics do so with the help of the profession itself. There are many aspects of medical practice which, though relevant to the doctor’s behavior and conscience, fall outside the limits of the laws of the land governing the practice of medicine. Most of these generally consist of well-mannered civilized behavior, but some matters are peculiar to the medical professional practice.

These matters which fall outside the official legislation are normally left to the conscience of the individual doctor. The national medical associations of various countries lay down various codes of conduct and enforce them upon their members. Members breaking the code are either censured or expelled from the membership of such associations.

In ancient India, the laws of Manu were handed down from Brahma the creator of the Universe through Prajapati, Ashwinikumar and then to Indra, who knew that the task of handing down orally 1000 chapters which had 100,000 shlokas from person to person was impossible. Indra therefore divided these into different branches among Dhanvantari, Atreya and Kashyap. Dhanvantari passed on his teachings to Sushruta, the father of Surgery in India. Kashyap was in charge of Gynaecology and Obstetrics.

Physicians in those days had both moral and technical authority and therefore matters pertaining to life and death, choice of medical interventions and duties of physicians were left to be judged by themselves.

Traditionally, medical ethics were to be learned by examples and were taught from physician to physician, but in recent times medicine has been under the limelight with increased awareness among the public of the immediate effects of organ transplantation, genetic manipulations, dialysis, pros and cons of euthanasia, human experimentation, consumer act which now includes doctors and the increasing side effects of modern medicine, the purpose and values of

doctors including Homoeopaths has been questioned.

Homoeopathic medical practice is a profession and not a business and therefore it must have ethical rules for maintaining its dignity and prestige. A Homoeopathic practitioner has to come in contact with various agencies. Some rules should govern the Homoeopathic practitioner.

The aim for learning medical ethics for Homoeopaths:

- To be aware and understand the behavior of the patients and fellow physicians.
- To develop the ability to identify the value responsible for decision making.
- To recognize the elements of ethical controversies in the profession and their moral values.

Medical services are the most humane of the services to humanity. It needs constant improvement, enrichment and application of mind. A homoeopathic practitioner, who is entrusted with the physical and mental well-being of his patient must realize his obligations to his patient. The society also has certain obligations to its members. It has to see that the doctor, on whom it has vested the duty to safeguard the life and health of the members of the society, does his job with responsibility. The Homoeopathic practitioner must be aware of his responsibility to society. There is ample scope for the doctor to misuse his special capacity and position in the society for his own interests at the cost of others. The society and the state cannot allow this. Both the members of the medical profession and the society or for that purpose the State must concurrently try to uphold the respectful position of the profession. Hence Homoeopaths are supposed to follow certain ethics and

etiquette and the government has framed certain legislation and Acts concerning the practice of medicine. If a Doctor does deliberately harms his patient then these Acts and legislation come to the rescue of the sufferer and the erring Doctor is punished. Hence it is imperative that, the Homoeopaths of today are well conversed with the provisions of these legislations and that he knows his own rights as well as duties and his obligations to his patient and the society.

Some rules are purely of moral and advisory nature meant for the cultural development of the persons of practitioner and his scientific knowledge. Some are however meant to determine his duties towards his patients, brother physicians, State, public bodies, etc. and as such involves rules, regulations and provisions of the law in force. Consequently, any breach of these by the practitioner has been made punishable under the provisions of the Homeopathic Act. A Homeopathic practitioner may also have to help the Court in the administration of justice and he has a heavy responsibility in the field also. A Homeopathic Practitioner is mainly a physician and the rules should be so framed as necessarily to expect him to discharge his duties in this capacity with full responsibility and efficiency.

Keeping in view the above broad considerations the following Medical ethics is codified so as to be followed by the Homoeopathic and enlisted Medical practitioners. Breach of any one or more of them may amount to misconduct or infamous act as visualized in section 23 of the Homoeopathic Act.

ETHICS is the understanding of moral values.

The **CODE OF ETHICS** is the rules framed in this line and on this basis of this sense of moral values, to guide the conduct of all concerned.

MEDICAL ETHICS means the moral prin-

ciples that should guide the members of the medical profession in course of their practice of medicine and their dealings with their patients and other members of the profession.

The term **MEDICAL ETIQUETTE** is essentially limited within the mutual relationship between members of the medical profession. It actually means the sense of courtesy and respect that should govern the conduct and relationship between the members of the medical profession.

The history of the first use of the code of ethics in the practice of medicine can be traced as back as in the 5th and 6th century B.C. (sometime between 460 - 377 B.C, the accepted life period of the 'Father Medicine', Hippocrates). Hippocrates recommended certain principles for those who choose to practice medicine. The new practitioner in the form of an oath accepts these principles.

The Hippocratic Oath is perhaps one of the oldest codes of medical ethics known to the medical profession. Although 25 centuries old its basic principles are equally valid today. The world medical association has simplified the Hippocratic oath and it is now termed as the 'Declaration of Geneva' upon which the International Code of Medical Ethics is based. This declaration is adopted by medical councils in India.

The Medical profession today is mainly guided by the ethical principles laid down by Hippocrates, the Greek Physician, who is also called the 'Father of Medicine'. The ideal of service to the community was deeply ingrained amongst the ancient Greeks. This attitude is depicted in Hippocrates' writings and is beautifully expressed in his famous saying "Where there is a love of humanity, there will be the love of the profession (medical)". The Hippocratic Oath

reproduced below contains the Code of Ethics for the medical profession which has guided us for the last 25 centuries and continues to do so. Gomperz calls it a movement of the highest rank in the history of civilization.

THE OATH OF HIPPOCRATES

I swear by Apollo the physician, by Asclepius, by Health, by Panacea, and by all the Gods and goddesses, making them witnesses, that I will carry out, according to my ability and judgment, this oath and this indenture.

To regard my teacher in this art as my own parents; to make him a partner in my livelihood; when he is in need of money to share mine with him; to consider his offspring as my own brother; to teach them this art if they require to learn it, without fee or indenture.

To impart precept, oral instructions, and all other learning to my sons, to the sons of my teachers, and to pupils who have signed the indenture and sworn obedience to the physician's law, but none other. I will use treatment to help the sick according to my ability and judgment, but I will never use it to injure or wrong them.

I will never give poison to anyone though asked to do, nor will I suggest such a plan.

Similarly, I will not give a pessary to a woman to cause abortion. But in purity and holiness, I will guard my life and my art. I will not use the knife either on sufferers from stone, but I will give place to such as are craftsmen therein.

Into whatsoever houses I enter, I will do so to help the sick, keeping myself from all intentional wrong doing and harm especially from fornication with woman or man, bond or free.

Whatsoever in the course of practice I see or

hear (or even outside my practice in social intercourse) that ought never to be published abroad, I will not divulge but consider such things to be holy secrets. Now, if I keep this oath and break it not, may I enjoy the honor in my life and art, among all men for all time; but if I transgress foreswear myself, may the opposite befall me.

THE DECLARATION OF GENEVA—1948

The World Medical Association at its third general Assembly at Geneva in September 1948 adapted certain codes of ethics to be taken at the time of entering the medical profession. I solemnly pledge myself to consecrate my life to the service of humanity. I will give my teachers, the

The health of my patient will be my first consideration.

I will respect the secrets that are confided in me.

I will maintain by all means in my power the honor and the noble traditions of the medical profession. My colleagues will be my brothers.

I will not permit considerations of religion, nationality, race, politics or social standing to intervene between my duty and my patient.

I will maintain the utmost respect for human life from the time of conception.

Even under threat, I will not use my medical knowledge contrary to the laws of humanity. I make these promises solemnly, freely and upon my honor.

Section 12 of the Geneva Convention Act prohibits the use of the following by any doctor:

The emblem of the Red Cross with vertical and horizontal arms of the same length on, and completely surrounded by a white background, or the designation 'Red Cross' or 'Geneva Cross'.

The emblem of a Red Crescent Moon on, and completely surrounded by, white ground, or the designation 'Red Crescent'.

The emblem of Lion in Red, holding erect a scimitar in its raised right paw and a rising sun above the lion's back on a white ground or the designation 'Red Lion and Sun'. The emblem of a white or silver cross with vertical and horizontal arms of equal length on, or surrounded by, red ground, being the emblem of the Swiss Confederation. Any design or wordings which may be mistaken for any of the above mentioned emblems and words.

Section 13 of the same act carries the penalty for the contravention of the above rule, which may be a fine, and forfeiting of any goods on which the emblem or words are displayed.

There has been considerable misuse of the 'Red Cross' emblem, as many of them do, to mark their vehicles or places or places of their practice. Therefore there is no right to Red Cross or allied emblems and a doctor has prohibited the use of these unless permitted by the Government. This right is only for the Medical Corps of the Army.

DO'S AND DON'TS OF HOMOEOPATHIC PRACTICE

Every Homoeopathic Practitioner should do his best for his patient. He is not bound to treat each and every patient who seeks his help except in circumstances or occasions where no alternative medical aid is available to the patient. In ordinary circumstances, a practitioner has the right to choose the patient and lay down the limits of his service. Once he accepts the charge it is his responsibility to exercise due care and diligence in the treatment in accordance with the law of similars according to the direction of Dr. Hahn-

emann and Schussler except for the limitations allowed in the footnote of paragraph 67 of 'Organon'. Undertaking the care of the patient does not imply that the Physician shall be blamed for not being able to cure him. No blame shall be attached if he has employed that skill and professional knowledge which his other colleagues with similar qualifications in the community would be expected to employ.

The Physician's demeanor towards the patient should be courteous, sympathetic, friendly, and helpful.

While keeping the interest of the patient uppermost he should not issue a false certificate and should maintain a correct record of his cases.

Any knowledge about a patient, gained during the course of examination and treatment, is privileged and should not be disclosed without the consent of the patient, or except under an order from the Presiding Judge in a Court of Law, or unless it becomes necessary to protect the welfare of the individual or the community. A Physician should limit his professional bills to the medical services actually rendered by him or under his supervision to the patients. His fee should be commensurate with the services rendered to the patient but may be reduced to suit the patients' ability to pay. Remuneration received by him shall be in the form, and amount specifically announced to the patient at the time the service is rendered. In all other cases, he shall deem it a point of honor to adhere to the compensation for professional services prevailing in the community in which he practices. He should neither pay nor receive, nor offer to give, solicit or receive any gift, gratuity, commission or bonus in consideration for the referring, recommending or procuring of any patient for medical, surgical or other treatment, nor shall

he receive any commission or other benefit from a professional colleague, trader of appliances, dentist or an oculist.

A physician should seek consultation on request in doubtful and difficult cases or whenever it appears to him that the quality of medical service would be enhanced thereby.

STANDARDS OF CHARACTER AND MORALS OF A HOMOEOPATHIC PRACTITIONER

The primary object of the medical profession is to render service to humanity with full respect for the dignity of man; the financial reward is a subordinate consideration. Whosoever chooses this profession assumes the obligation to conduct himself in accordance with its ideals. A practitioner of Homoeopathy shall be an upright man, instructed in the art of healing. He shall keep himself pure in character and be diligent in caring for the sick. He shall be modest, sober, patient and prompt and do his duty without anxiety, and shall be pious and conduct himself with propriety in his profession and in all the actions of his life.

The medical profession expects from its members the highest levels of character and morals, and every practitioner of Homoeopathy owes to the profession and to the public alike a duty to attain such a level. It shall be incumbent on a practitioner of Homoeopathy to be temperate in all matters, for the practice of medicine requires an unremitting exercise of a clear and vigorous mind.

PRACTITIONER'S RESPONSIBILITY

A practitioner of Homoeopathy shall merit the confidence of patients entrusted to his care, rendering to each full measure of service and

devotion. The honored ideals of the medical profession imply that the responsibilities of a practitioner of Homoeopathy extend not only to individuals but also to the entire society.

The following and similar practices which tend to lower the dignity of the profession should be avoided:

Soliciting private practice, either personally or by advertisement in the newspapers, by placards, or by the distribution of circulars, cards or handbills or by giving as commission a percentage of the fees received.

Entering into any contract in his personal capacity with a pharmacist or any manufacturer or firm dealing with medicines or medical or surgical or requisites, to receive a share in the profits arising from the sale of medicines prescribed, or medical or surgical appliances or requisites. He shall not advertise himself through price lists or publicity materials of manufacturing firms or traders, with whom he may be connected in any capacity,

Publishing an advertisement or announcing or making exaggerated claims regarding treatment of any diseases.

Writing prescriptions in a private formula of which only a particular pharmacist has the key. Such secret prescriptions are unprofessional.

Covering a person who is not entitled to practice in this State or entering into any contract with a person who is not entitled to practice and who owns an institution for the treatment of patients by Electrotherapeutics, X-Ray Therapeutics, Vaccine therapy, etc. and receiving a share from the profits of any such business of a medical nature Agreeing to attend on any patient on the terms of "No

cure, no fee'. Exhibiting.

publicly a scale of fees Publishing or sanctioning the publication of letters of thanks from patients; or any kind of laudatory notices with regard to professional matters, with or without photographs, with the object of attracting patients. He shall not publish cases in non-professional newspapers or journals provided it shall be permissible for him to publish his name in connection with a prospectus or a director's or a technical expert's report.

To display an unusually large signboard or writing on it or his prescription paper, anything other than his name, his qualifications and the name of his specialty, if he practices any, his address and the telephone number.

Soliciting of patients directly or indirectly by a practitioner of Homoeopathy either personally or by advertisement in the newspapers, by placards or by the distribution of handbills is unethical. A practitioner of homoeopathy shall not make use of, or permit others to make use of, him or his name as a subject of any form or manner of advertising or publicity through lay channels which shall be of such a character as to invite attention to himself or to his professional position or skill or as would ordinarily result in his self-aggrandizement provided that a practitioner of Homoeopathy is permitted formal announcement in the press about the following matters, namely: -

1. Starting of his practice.
2. Change of type of practice.
3. Change of address. Temporary absence from duty.
4. Resumption of practice.
5. Succeeding to another's practice.

MEDICAL CERTIFICATES

Medical certificates issued by a homoeopathic practitioner under his signature should not be untrue, misleading, or improper and should correspond strictly with facts within his personal knowledge.

MEDICAL ATTENDANCE AND CONSULTATIONS

No member should meet in consultation any practitioner whose name has been removed from the register or the list under section 23 of the Bombay Homoeopathic and Biochemic Practitioners Act, 1959 for infamous conduct in professional respect.

Differences of opinion should not be divulged unnecessarily, the medical attendant should frankly and impartially explain the circumstances to the patient's friends. It is open to them to seek further advice or depend upon their medical attendant only.

The attendance of a consulting practitioner should cease when the consultation is concluded; unless another appointment is arranged by the medical attendant or unless the patient has dispensed with the services of the medical attendant or unless the patient has dispensed with the services of the medical attendant and engaged those of another. In no case shall the consulting practitioner treat the patient alone or hand him over to his assistants or remove him to a nursing home or private hospital without the knowledge of the medical attendant, or injure the latter's position in any respect.

When it becomes the duty of a practitioner occupying an official position to see and report upon a case of illness or injury, he should communicate with the practitioner in attendance, so as to give him the option of being present.

The practitioner seeing the case officially should scrupulously avoid interference with or remarks upon the treatment or diagnosis that has been adopted.

When a consultant in his room sees a patient with the respect of a medical practitioner, it is the duty of the latter, to state his opinion of the case with the mode of treatment he thinks should be adopted, and he shall not again see the same patient without a fresh note from his medical attendant.

A member entrusted with the case of the practice of another member during sickness or absence should not charge the absent practitioners for his services, except in the case of a special arrangement between the practitioners. It should be regarded as a pleasure to give one's services freely to a professional brother, his wife or his dependent children or a deserving Homoeopathic medical student.

A medical practitioner is justified in refusing to continue attendance on a case: where he finds another practitioner in attendance, Where other remedies than those prescribed by him are being used. Where his remedies are refused or prescribed diet not followed, where he is convinced that the illness is an imposture and he is being made a party to a false presence where the patient persists in the abuse of opium, alcohol, chloral or similar poisons. Where the patient does not scrupulously follow the instructions regarding diet, regimen, observation of his condition, etc.

He is not in any way bound to give up because he cannot cure it, so long as the patient desires his services. Every patient at the close of his treatment and on payment of a requisite fee for the guidance of his future medical attendance is entitled to know the list of remedies adminis-

tered to him but as a matter of etiquette, every subsequent physician should on his request be supplied the list of remedies tried on the patient by the previous physician on the termination of his services. It is a necessary corresponding corollary of the courtesy that the patient should inform the previous physician about his intentions to terminate his services.

It is the duty of a Homeopathic medical practitioner as a citizen to assist the public health authorities especially with regard to the notification of diseases so as to be able to enable the public health authorities to take preventivemeasures according to homeopathic principles as far as possible.

AIMS OF A HOMOEOPATHIC PHYSICIAN

- To restore the sick to health promptly, gently and permanently on definite principles as initiated in Organon of Medicine. To preserve health by removing the causes that excite and aggravate and maintain diseases.
- To remove all obstacles in the way of a permanent and lasting cure.
- To help the state authorities as a physician in the administration of justice when called as a witness on medical issues.
- To strive continually to improve his medical knowledge and skill and to make available to his patient and colleagues the benefits of his professional attainments.
- A Homoeopathic physician is expected to render that diligence and skill in his services as would be expected of another average Homoeopathic practitioner with similar qualifications, experiences and attainments. His acts of commission and

omission shall be judged not by any non-Homoeopathic standards of professional service to be rendered but by the standard of service expected of him as a homoeopath only.

HAHNEMANNIAN OATH

I Swear by Hahnemann, the great physician and all the God's and Goddesses making them my witness, that I will fulfill according to my ability and judgment this oath till the last minute of my life.

I shall consider myself as a physician appointed to practice according to the teachings of homoeopathy and to watch over the life and health of my fellow beings. May the love of my art actuate me at all times. I shall regard my teacher who has taught me this art equal to my parents.

I shall never see in the patient anything but a fellow being in pain and suffering. I shall consider him sick in body mind and spirit. I will treat him accordingly and will advice dietetic, hygienic and preventive measures for his benefit according to the best of my knowledge and judgment. I will always avoid any harm or injustice to my patient. I may be granted strength, time and opportunity to fulfill my ideal.

I will always administer drugs that are prepared according to the instructions laid down in Organon. I will never give any drug that can destroy life, even if asked for it, nor will I suggest it to anyone. Similarly, I will not give a woman an abortive drug. Neither thirst for fame, nor a passion for a great reputation will engage my mind and deceive me from my path.

I will always exert for the benefit of the sick, whatever patients come to me. I will be free from prejudices and remain away from all mischief and in particular from sexual relations

with male and female, either in bonds or free. I will never disclose any of the facts that I may hear during the course of treatment to anyone, on no account. In this way, no evil will be done by me to anyone during his life.

I will always have an open mind. I will correct what I have acquired, if necessary, and extend its domain. I will develop a spirit of indefinite limits to aquifer knowledge. I will cultivate the vision to discover my errors of yesterday, to appreciate what I have today and to get glimpses of the new light of tomorrow. If I fulfill this oath and do not violate it in any respect, I may be honored by my fellow beings eternally. If I digress and swear falsely, may the opposite of all this be my fate.

THE CENTRAL COUNCIL OF HOMOEOPATHY

The first council of the Central Council of Homoeopathy was nominated by the Government of India in 1973, and its first President was Professor A.K. Kisku, who continued for one year and then resigned. Dr. Jugal Kishor was then selected by the majority

as the President. And Dr. Diwan Harish Chandra became the Vice president. The Functions of the Central Council of Homoeopathy are:

- Maintenance of Central Register wherein the names and addresses of practicing Homoeopaths are listed.
- Laying down minimum standards to be observed in Homoeopathic education.
- Recognizing Homoeopathic Medical Colleges and Hospitals.
- Recommending recognition or withdrawal of medical qualifications granted by Homoeopathic medical institutions in India to the Central Government.
- Negotiating with institutions located in other Countries imparting training in Homoeopathy for recognition of their qualifications on a reciprocal basis.
- Laying down standards of professional conduct, etiquette and a code of ethics to be observed by the practitioners of Homoeopathy.

[CLICK HERE](#)