

## ARTICLE OF SPECIAL INTEREST

# FORENSIC MEDICINE: BANGLADESH PERSPECTIVE

RAHMAN KGM<sup>1</sup>, OSMAN MK<sup>2</sup>, MAHMUD S<sup>3</sup>

### Abstract

*In this paper the remnants of British medical jurisprudence, the medico legal service of Bangladesh were discussed to improve the current medico legal practice and to propose future plan. In Bangladesh, all unnatural deaths are to be reported at the nearest police station and an appointed police officer should visit the scene of occurrence for investigation and to arrange postmortem if required. The forensic services of the country are delivered partly by academic staffs of government medical colleges' forensic medicine department and rest by the civil surgeons - the district health administrator. The civil surgeons perform postmortem by the doctors under him in district hospitals, most of them have no forensic qualifications. Currently academic and professional postgraduate courses are available. The chemical examiner's laboratory is situated at Dhaka with the facility of quantitative tests only. The Government of Bangladesh is trying to standardize the existing system. A workshop on medico legal service was organized recently at Dhaka by the Medico Legal Society of Bangladesh. A DNA profiling laboratory was established at Dhaka Medical College Forensic Medicine Department. Such progress is a milestone in the development of medico legal service in Bangladesh. However, with a few exceptions teaching and training facilities are still lacking.*

**Key words:** Forensic, Bangladesh Perspective.

*J Dhaka Med. Coll. 2010; 19(1) : 61-64.*

### Introduction:

History of forensic medicine extends back to the early civilization of Babylon, Egypt and China from 2000 BC. In European context all present day system has organized in Italy and Germany in 16<sup>th</sup> century<sup>1</sup>. 449 BC in Roman period medico legal factors concerning the insane, unborn child, personal injuries and external post mortem examination in criminal deaths carried out. From this point onward the era of modern forensic medicine in the continental European countries can be said to have commenced.

The acceptance of the continental institutions in medical jurisprudence was much slower in Great Britain. Scotland took the first real interest in academic forensic medicine, a tradition which is thankfully preserves to this day<sup>2</sup>.

Like Britain, the development of legal medicine in United States has been a patchy and individualistic process, rather than the more orderly system in the European continent. The

English styled law was transplanted by the early settlers, coroner's system and medical examiner's system developed from that<sup>2</sup>.

The present state of affairs appears to be that the scientific and academic face of forensic medicine is often well in advance of the legal and administrative arrangements. In many countries, it's full potential cannot be realized, due to frustrations in government machinery for applying the technical advances. The coroner is either a lawyer or a doctor employed by city or country administrator. In some city a practicing solicitor on a part time basis, A few large cities fulltime coroners, who are both medical practitioners and barristers. In former days many coroners were doctors only. Broderick's report (1971) made recommendation in favor of lawyers only<sup>2,3</sup>.

Medical examiners are certified eligible forensic pathologist; they visit the primary scene of accident or crime, take evidence of the people when necessary. Performing autopsy and correlate the autopsy with the evidence

1. Assistant Professor, Department of Forensic, Medicine, Dhaka Medical College, Dhaka.

2. Assistant Professor, Department of Forensic, Medicine, Pabna Medical College, Pabna.

3. Lecturer, Department of Forensic Medicine, Dhaka Medical College, Dhaka.

**Correspondence :** Dr. Kazi Golam Mukhlesur Rahman

and determine the cause and manner of death and submit the report to the district attorney for further action. Medical examiner's system is superior to coroner's system, where non medical person conduct the inquest<sup>4</sup>.

The death cases are reported to coroner by the police, public, doctors are sudden death, industrial accident death, death due to industrial disease, due to drugs and poisons, operation death, due to allegation of negligence of doctor and nurses, infant death, alcoholism, homicide, suicide, abortion, death in custody/jail and by local death registrar when he is not satisfied with the death certificate issued by the doctor in attendance in last illness. After receiving a report of a death, the coroner either (1) request the doctor to issue a death certificate. (2) direct forensic pathologist to conduct an autopsy to find out the cause of death or (3) hold a public inquiry called an inquest in to circumstance of death. So that it will be possible to confirm the cause of death<sup>3-4</sup>.

The present medico legal system of Bangladesh was inherited from the British and continued up until today. We have adopted and follow the continental system with some modifications in performing medico legal autopsy.

#### **Importance:**

Forensic medicine includes medical jurisprudence, the legal aspect of medical practice and many ethical matters. All branches of medical science can be called into play to assist in medico legal problems. Truth or the nearest reasonable approach to it that is possible from what is observed in sudden, unexplained, suspicious, unnatural and violent deaths and to determine the causes and manner of death is the sole aim. Every specialty of medicine can have forensic aspects at some time or another, while most branches of medicine can themselves become the objects of legal scrutiny when the issue of malpractice arises.

#### **Bangladesh perspective:**

##### ***The medico legal system:***

According to Bangladesh law, all unnatural deaths that are reported to the police are subject to forensic investigation. Bangladesh

is one of the most over populated country of the world. The country is divided into six divisions and 64 districts. All district hospitals have autopsy provisions including 13 government medical colleges.

During the British period (1757-1947), the civil surgeon, who would be a British doctor, was responsible for all the medico legal works. The original post of civil surgeon is still retained to this day<sup>1</sup>.

During the Pakistan period (1947-1971), no change was made<sup>1</sup>. With the establishment of medical colleges, academic departments of medical jurisprudence were established to teach the subject to undergraduate students and the civil surgeons were appointed as part time teachers of medical jurisprudence. This continued to the end of Pakistan period. When it was felt necessary to recognize the departments with qualified teachers, professional posts in medical jurisprudence in eight medical colleges were thus established.

The forensic medical service of Bangladesh includes clinical forensic medicine and forensic pathology. The service is given by states through the ministry of health. In our country the police and sometimes the magistrates must screen the deaths. After receiving the information of any unnatural death within the jurisdiction of nearby police station, the legal authority usually send one police officer to the scene of crime and makes an inquest report. The police officer then sends the dead body to the nearest mortuary. In the cities where a government medical college is available any academic staff of forensic medicine department is empowered to perform an autopsy otherwise, by the civil surgeon in the district hospitals. Residential medical officers are empowered to perform medico legal work.

In our country, medico-legal investigations lags behind the normal standard followed. Forensic pathologists handle very small part of total medico legal work. In the present century, progress in the process of crime investigation has continued with advancement in the scientific medico legal practices. In most countries the decision on the manner of death

is reserved for a legal official, not a doctor. But in our country forensic pathologists are expected to determine the manner of death.

Like other countries, coroner's or medical examiner's system is to be established.

Thousands of death buried without proper diagnosis in Bangladesh. Development of the existing setup of the medico legal system along with medical examiner's system through international support and help is desired.

***Death and birth registration:***

There was no strict law on birth and death registration in Bangladesh, just implemented from July 2006. A Registrar for births and deaths has yet to be established in this country.

***Department and post creation:***

The absence of medico legal specialists in both rural and urban areas and the concomitant undertaking of their duties by doctors who are not qualified in forensic pathology has occasionally resulted in inadequate medico-legal investigations. In district hospitals there is no forensic medicine department. The medical officers without training on forensic medicine or post graduate degree perform post-mortem and medico legal works under the guidance of civil surgeon who have also no forensic medicine qualification and these medical officers do post-mortem examination and medico-legal works as an extra duty along with their routine duties, against their will. So, a forensic medicine department in each district hospital with one senior consultant, one junior consultant, and five medical officers should be established. Also there is no appointed mortuary assistant in many medical college and district hospital, four mortuary assistants are required in each forensic medicine department of district and medical college hospital.

Each medical college has a forensic medicine department, with one post of professor, one associate professor, one assistant professor, two lecturers but this manpower for teaching, post mortem examination and medico legal works are not enough. It is astonishing that Rajshahi Medical College the biggest medical college of the northern region of the country, has only a

post of professor and two lecturers. So it very important to create post of another professor, two associate professors, two assistant professors and two lecturers's post in Rajshahi medical college. Surprisingly the only medical university of Bangladesh has no forensic medicine department. It is very important to establish there a forensic medicine department with possible international facilities.

***Allowances:***

It is a matter of regret that there is no provision of allowances for post-mortem examination and medico legal works in Bangladesh; which is present in every country of the world. It is important to establish allowances for the doctors and staffs of forensic medicine department and district hospitals. It will solve the scarcity of forensic expert in Bangladesh. There are a few post graduate courses in some medical college of Bangladesh, which lacks student, due to fruitless future; provision of allowances will encourage them to be a forensic specialist.

***Mortuary construction:***

There is no mortuary of up to the level in any hospital, except a few.

***Laboratory facilities:***

It is also to be noted that there is a no forensic science laboratory, Pathology laboratory and toxicology laboratory that can serve forensic purpose, in any medical college and district hospitals of our country, where routinely post mortem examination and medico legal works performed. The only chemical examiner's office situated in Dhaka is always overburdened. There are numerous problems involved with the preparation, delivery and use of chemical reports. Forensic science laboratory is yet to be established in each medical college and district hospital.

***Under graduate education:***

Undergraduate education in forensic medicine is given for two academic years in the third and fourth year of the MBBS course with a final examination at the end of fourth year. Much emphasis is to be placed on teaching forensic medicine to undergraduates because in

Bangladesh doctors posted to remote areas are required to do post mortem and medico legal works in a routine basis, so teaching staffs should be increased. There are a good number of private medical institutions offering undergraduate course without post mortem facilities and there is no teachers of forensic medicine except a few with part time basis and with some retired professors, this is also due to scarcity of forensic specialist.

**Post graduate education:**

Teaching and training facilities at the university level, is lacking in the subject. Most experts in the profession are not expert by training but are expert by position. There are two post graduate degrees in Bangladesh: one is membership of BCPS another is diploma, conducted by forensic medicine department of few medical colleges. We propose to introduce MD and PhD courses in medical university, and FCPS in BCPS. The forensic specialist should perform medico legal work as opposed to untrained medical graduates, as medico legal work is a highly technical and specialized job. Postgraduate study and research should be encouraged and every effort should be taken for the departmental doctors to visit internationally reputed forensic centers.

**Co-ordination:**

There is no co-ordination among ministries of home, health; law and justice as far as autopsies are concerned. There should be a co-ordination among police, judges, magistrate, lawyers and forensic medicine department. There should be a provision of six months intensive training for newly recruited police officers, judges and lawyers to be registered in bar council, because during performing post mortem examination we get some dissimilarities between dead body and inquest report and during giving evidence in court we face some questions from the judges and lawyers those are not only irrelevant but also embarrassing.

**References:**

1. Bangladesh Bureau of Statistics. Statistical Division. Ministry of Planning. Government of People's Republic of Bangladesh, 1997. Statistical yearbook of Bangladesh, 18th ed. 1998.
2. Mant AK. Tailor's principles and practice of medical jurisprudence. 13<sup>th</sup> ed. London: Churchill Livingstone; 1984: p.215.
3. Knight B. Legal aspect of medical practice. London: Churchill Livingstone; 1997. p.107.
4. Parikh CK. Parikh's text book of medical jurisprudence and toxicology. 4<sup>th</sup> ed. Bombay: CBS; 1986. p. 85.