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The Perception of Professionals Regarding Curriculum of Medical Jurisprudence to Medical and Law Students in Pakistan

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Abstract

The paper is focused on the current curriculum distribution in MBBS and LLB professions. The medical jurisprudence the law students is fulfilling their professional requirements during their practice. Similarly, how the law students experienced the study of medical and how the medical students study the law. The Lego-medical practioners faced what sorts of the deficiencies in their studies related to legal medical curriculum. The study is based on the perception of the legal and medical practioners regarding the deficiencies and challenges they have faced during their practice as a lawyer or as a medical expert working for the law enforcement or forensic agencies. The study is quantitative in nature and simple analysis have been made on this data regarding quality of evidence by doctors and medical witnesses to lawyers.

Keywords: Medical Jurisprudence, LLB & MBBS curriculum, legal fraternity, Medico-legal

Introduction

It is now expedient to mention about the definition and scope of Medical Jurisprudence. In simplest of words, it is "the application of principles of medical knowledge to the purpose of law". At any and every interaction of law and medicine, this subject is the key which opens locks to unlimited puzzles. The subject of 'Medical Jurisprudence' is taught to the undergraduate lawyers in final year LLB and is assessed through a single long essay type only, which appears in the paper of Code of Criminal Procedure (CrPC). The very subject is taught to the undergraduate

medical students as ‘Forensic Medicine’ in a relatively more detailed manner, comprising of a minimum of 100 hours, in third year MBBS. The subject is assessed through a full-fledged paper of 100 marks. Moreover, another 100 marks are allocated to practical assessment i.e., a total of 200 marks’ examination. It is pertinent to mention here that this curriculum has been there for more than five decades. As far as community beneficence is concerned, allocation of these minimum hours does not do justice with the ‘state subject’ of forensic medicine. Moreover, usually changes in healthcare teaching and policies come from senate and/or ministry of health, rather than Pakistan Medical & Dental Council (PM&DC)- the accrediting body (Iqra, 2019).

During their undergraduate training, the doctors rarely have a chance to visit a graveyard and observe an exhumation and autopsy. Lawyers never do. This leads to so many misunderstandings, and consequently misinterpretations of findings by medical and legal communities (Gitanjali, 2018). One of the prime examples of a high-profile autopsy after exhumation in our country was that of Lt. Gen. Asif Janjua, a former chief of the army staff. Similarly, in case of assassination of Ms. Benazir Bhutto, the autopsy was not conducted which gave rise to rumors and myths regarding the process, its legality, authorization and more, amongst the masses, and in particular media (Ahmed, 2008).

From accidents to homicides, poisoning to therapeutic misadventures, physical injuries to invisible trauma, burns to sexual assaults, ethics and bioethics, professionalism- it is the training of medical men, and to some extent, lawyers which helps to critically analyze and solve the medico-legal issues. A medical doctor presents relevant facts, and inferences drawn from them before the court of law, and is cross examined by the defense council. For both the professionals, it is their undergraduate training which plays a pivotal role in furtherance of justice, or otherwise (Chao, 1991). Therefore, it is very pertinent to gather the perception of legal fraternity as to how important it thinks the training of the said subject is at the level of under-graduate studies, both during LLB and MBBS.

The study will include the perception of bench and bar regarding medico-legal training of lawyers and physicians, and its consequences upon furtherance of justice through the criminal justice system of Pakistan. Coming back to Forensic medicine, it serves multiple functions in a modern society as under (Singh, 2012).

1. Death Investigation: Forensic pathologists conduct autopsies to determine the cause, mechanism, mode and manner of death, distinguishing between natural and un-natural deaths, antemortem and postmortem injuries and so forth.

2. Injury Interpretation: Analysis of injuries—whether from blunt force trauma, sharp objects, firearms, or other means—provides invaluable evidence in criminal cases, helping to even reconstruct events in some cases, leading to the injury.

3. Toxicological Analysis: Forensic toxicologists detect and quantify drugs, alcohol, poisons, and other substances in biological samples obtained from living and dead.

4. Identification of Remains: Forensic anthropologists and odontologists play a key role in identifying human remains, especially in cases of advanced decomposition, mass disasters, fragmentary remains, when the deceased is unknown.

5. Expert Testimony: Forensic medical doctors provide testimony in court of law as expert witness, explaining their findings in a manner that is comprehensible to judges and lawyers.

Review of the Literature

Forensic medicine is a pivotal nexus between the realms of medical sciences and the law. This specialized discipline utilizes medical knowledge to aid in the administration of justice, providing critical discernment that bridges best clinical practices and legal proceedings. Being dedicated to the meticulous examination of injuries, sudden and/or unexpected deaths, and crime scene investigation, forensic medical experts play a pivotal role in the criminal justice system. However, it is noteworthy that except in rare, so-called 'high profile' cases, in Pakistan forensic doctors do not visit the scene of crime. This practice is in contrast with USA and other developed countries where a medical examiner visits the scene. Not following this practice in our country not only obliterates the learning opportunities for the doctor, but also some seminal information which can be of paramount importance in the later investigation and criminal proceedings (Kumar, Singh & Noel, 2022).

Some literature can be found relevant to the improvement and importance of changing the curriculum for LLB students, giving special importance to professionalism and ethics (Khan, Hak, Hussain & Wahab, 2019).

International, and scanty local literature, aim at need for improvement in overall teaching of undergraduate law students (Munir, 2013). In research in India, conflicting laws on abortion were discussed (Chhikara, 2020).

Another local research was conducted, targeting undergraduate medical students (Ambreen, Javed & Aamir, 2015) regarding their perception of teaching ethics and medical jurisprudence. However, such literature for LLB students is difficult to find in Pakistani context.

The importance of new teaching methodologies for LLB students (Khan, 2019) is emphasized to make them able to translate theory into practice in a better way. Another Pakistani study focuses on rape discourse (Ahmad, 2021).

A study conducted in Nepal sheds light on the significance teaching clinical legal subject (Gautam, 2017). Another study in the backdrop of South Africa (Quinot & Tonder, 2014) discusses perceived shortcomings in legal education. An Indian study (Raizada & Mittal, 2019) stresses upon best clinical legal practices, in order to be globally competitive

It is evident that teaching of this subject is of paramount importance to both the medical and law men. However, the said subject is given least importance in the teaching of doctors and lawyers. Similarly, just one long essay question is considered sufficient to assess the undergraduate lawyers in the very discipline. In addition, with the exception of one private law college, the subject is taught to the under-graduates by lawyers, and NOT a medical doctor/expert. This tantamount to almost complete denial of justice in so many cases. Consequently, there is a horrendous loss of precious human, financial and temporal resources in the criminal cases under investigation. This fact is evident from the allocation of just 100 hours, out of more than 6000 hours of MBBS study in five years' program (Meel, 2022).

It is evident from the discussion above that due to grossly insufficient availability of literature on our research query, a huge knowledge gap exists in Pakistan. The grim situation spans over curricula for both professions, continuous professional development structure and understanding the nuances between the two. Despite a dire need for inter-professional harmony, researcher's personal experience tells that, in many instances, it is important to understand the differences between two professions, rather than solving them (Ali, 2023).

Forensic medicine establishes a nexus between medicine and law. Its history dates back to millennia. It is assumed to have its initial matrix originating in China. Various terms viz., legal medicine, forensic medicine and forensic pathology, are used interchangeably multiple times. However, there is subtle difference. 'Clinical Forensic Medicine' is the branch of the subject dealing with living cases whilst 'forensic Pathology' deals with suspicious or un-natural deaths (Payne-James & Dean, 1994).

Originally, focusing primarily on analyzing human skeletal remains, forensic anthropology now encompasses latest methods on search and recovery, biomechanics of trauma, isotopic analysis of region of origin, diet, age estimation in living, humanitarian and human rights issues. This field was established in 1977 as American Board of Forensic Anthropology (Ubelaker, 2018).

Methodology

A survey-based, quantitative research design was used to explore the pre-determined objectives. The purpose of choosing quantitative method was to have a better, in-depth insight of the practical implications of the subject of medical jurisprudence. The quantitative research method places its roots in 'post-positivist' philosophy.

Moreover, the very type of research method was employed to quickly gather the data from the target population. The study destined to find out the perception about the practical utility of the said subject, from the bench & bar. The study also focused the impact of under and post-graduate training on medico-legal practice in Criminal Justice System. In addition, this study tries to find out the quality of preparation of MLC and autopsy certificates. That was why a questionnaire-based, quantitative research design was used. The advocates of either gender, willing to participate in the research, practicing in LHC, Lahore and District Session Court, Lahore, whose license was valid and they had been practicing criminal law for more than 15 years, were included. That also included the honorable Judges of District session court, Lahore. The population for the research is around 3500 lawyers, who have been practicing criminal law for 15 or more years. The sample size, as calculated by Krejcie and Morgan formula (1970) is 346. This sample size in this study was 352. Statistical Package for Social Sciences (SPSS) version 28 was used. The demographics were measured by frequency. Descriptive statistics like frequency (occurrence of data in a dataset), mean (Measure of central tendency) and standard deviation (dispersion of data in a dataset) were sought.

Results and Discussion

The primary aim of this research was to get the perception of legal community regarding the appreciation of the significant role the subject of medical jurisprudence plays in criminal justice system, especially of Pakistan. That encompasses how the lawyers see medical aspect of legal

issues, preparation of medico-legal reports (in both living & dead) and the quality of evidence presentation in court of law.

• **Table -1**

Gender

	Male		Female	
	f	%	f	%
	352	100	00	0.0
Total	352	100	00	0.0

• **Table-2**

Qualifications

	B.Sc./B. A		LLB		LLM	
	f	%	f	%	f	%
	352	100	309	87.8	43	12.2
Total	352	100	309	87.8	43	12.2

• **Table-3**

Rural or Urban Community

	Urban		Rural		Both	
	f	%	f	%	f	%
SA	125	35.5	199	56.5	330	93.8
A	227	64.5	153	43.5	22	6.3
Total	352	100	352	100	352	100

- **Table -4**

Occupation of the father

	f	%
Landlord	87	24.7
Engineer	34	9.6
Lawyer/Judge	189	53.6
Real Estate/	42	11.9
Businessmen		
Total	352	100

- **Table 5**

In Pakistan, the community which faces more medico-legal issues

	Urban		Rural		Both	
	f	%	f	%	f	%
SA	125	35.5	199	56.5	330	93.8
A	227	64.5	153	43.5	22	6.3
Total	352	100	352	100	352	100

- **Table 6**

The class of society in Pakistan, affected more by medico-legal issues

	Lower		Middle		Upper	
	f	%	f	%	f	%
SA	283	80.4	309	87.8	106	30.1
A	31	8.8	20	5.7	61	17.3

N	0	0	0	0	04	1.1
DA	20	5.7	23	6.5	125	35.5
SDA	18	5.1	0	0	56	15.9
Total	352	100	352	100	352	100

• **Table 7**

The stratum of community more manipulative of medico-legal issues is

	Society		Bench & Bar		Law Enforcement Agencies		Media		Politicians	
	f	%	f	%	f	%	f	%	f	%
SA	172	48.9	130	36.9	317	90.1	319	90.6	315	89.5
A	32	9.1	80	22.7	35	9.9	21	6.0	27	7.7
N	0	0	17	4.8	0	0	12	3.4	10	2.8
DA	91	25.9	20	5.7	0	0	0	0	0	0
SDA	91	16.2	105	29.8	0	0	0	0	0	0
Total	352	100	352	100	352	100	352	100	352	100

Table 8

Medical Jurisprudence is relevant to our socio-cultural environment

Strongly Agree		Agree	
f	%	f	%
328	93.2	24	6.8

Total	352	100	352	100
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Table 9

Considering your legal interaction with doctors, the Forensic Medicine teaching hours (presently, 100 hours) are appropriate to the importance of subject in MBBS course

	f	%
SA	04	1.1
A	81	23
N	111	31.5
DA	53	15.1
SDA	103	29.3
Total	352	100

Table 10

If answer to above question is DA/SDA, then the minimum hours it should be taught at undergraduate MBBS level should be

	125		150		More than 150	
	f	%	f	%	f	%
SA	13	3.7	80	22.7	06	1.7
A	11	3.1	76	21	19	5.4
N	7	2.0	0	21.6	91	25.9
DA	40	11.4	0	0	40	11.4
SDA	85	24.1	0	0	0	0
Total	156	44.3	156	44.3	156	44.3
Missing	196	55.7	196	55.7	196	55.7

Table 11

In your opinion, the most important topics to be included in LLB curriculum are

Firearms Injuries	Blunt-Weapon Injuries				Sharp-Force Injuries		Asphyxia (Trauma involving Respiratory System)		Sexual Assaults		Poisoning	
	F	%	f	%	f	%	f	%	f	%	f	%
SA	347	98.6	220	62.5	269	76.4	36	10.2	322	91.5	90	25.6
A	05	1.4	131	37.2	83	23.6	57	16.2	30	8.5	123	34.9
N	0	0	1	0.3	0	0	190	54.0	0	0	71	20.2
DA	0	0	0	0	0	0	51	14.5	0	0	44	12.5
SDA	0	0	0	0	0	0	18	5.1	0	0	24	6.8
Total	352	100	352	100	352	100	352	100	352	100	352	100

Table 12

It is appropriate to teach the subject of Forensic Medicine during MBBS course during study year

1 st Year	2 nd Year		3 rd Year		4 th Year		5 th Year		Throughout	
	F	%	f	%	f	%	f	%	f	%
SA	3	0.9	1	0.3	16	4.5	84	23.9	130	36.9
A	234	66.5	141	40.1	221	62.8	92	26.1	110	31.3
N	80	22.7	144	40.9	101	28.7	0	0	4	0.9
DA	28	8.0	33	9.4	14	4.0	51	14.5	42	11.9

SDA	7	2.0	33	9.4	0	0	125	35.5	67	19.0	0	0
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Total	352	100	352	100	352	100	352	100	352	100	352	100
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Table 13

In your opinion, the legal fraternity, in general, realizes the importance of Forensic Medicine in its true sense

	f	%
SA	230	65.3
A	108	30.7
N	14	4.0
DA	0	0
SDA	0	0
Total	352	100

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