

MEDICO LEGAL PRACTICE IN MAURITIUS- AN OVERVIEW

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Forensic Medicine is defined as 'the medical specialty related to application of the principle and practice of medicine for the purpose of judicial proceedings, both civil and criminal'. The word 'Forensic' is derived from the Latin word *forensis* that means the forum. In Rome, forum was the meeting place where legal matters like infliction of injuries and the apportioning of blame for causing those injuries, and/or compensation were discussed with public responsibility. In some countries it is still known as Legal Medicine and State Medicine. There is a usual tendency to consider forensic medicine as being synonymous with forensic pathology, but this synonymy can only be correct if knowledge of pathology is used to study abnormal conditions in all the medico-legal cases.

It is also a misconception to view the entire forensic medicine from the autopsy table. It includes examination of all medico-legal cases in both dead as well as living individuals. Clinical Forensic Medicine is the branch of forensic medicine that deals with medico-legal examination of living cases. In other countries like USA, UK, South-Africa, etc., there are further sub-specialties as Forensic Pathology, Clinical Forensic Medicine, Forensic Odontology, Forensic Toxicology, Forensic Psychiatry, Forensic Anthropology, Forensic Entomology, Forensic Radiology and Forensic Serology, etc.

In the Government sector of Mauritius, the Department of Forensic Medicine is under the control of Prime Minister's Office and is considered as one among all the different departments of police force. The department consists of forensic medicine experts who are with post-graduate qualification in forensic medicine or diploma in medical jurisprudence and are designated as Police Medical Officers. They are not only expert in Forensic Pathology but also expert in Forensic Toxicology, Clinical Forensic Medicine and Medical Jurisprudence. They deal with all kinds of medico-legal cases (dead as well as living) such as vehicular accidents, assaults, homicides, suicides, poisoning, sexual offences, etc. In Mauritius, there are four authorized centers for conduction of autopsies i.e. mortuary. Among these, two are fully functional.

There are two basic types of legal systems:

1. Criminal status: Criminal law includes the offences that are considered to be against the general public interest, such as offences against person, against property, against security of state etc. Here, the dispute is between the state (represented by public prosecutor) and the accused person. Penalties consist of fines, imprisonment, penal servitude etc.
2. Civil status: Here the dispute occurs between two individuals or parties rather than the state for e.g. dispute over negligence, contract, etc. In civil laws, the penalty is usually financial compensations or damages.

Sometimes single incident may be trailed under both civil and criminal proceedings such as road traffic accidents. In Mauritius, under section 110 (1) District and Intermediate Courts (Criminal Jurisdiction) Act†, a magistrate is informed when a person has:

- committed suicide;
- been killed by another, or by animal or by machinery or an accident;
- died under circumstances raising a reasonable suspicion that some person has committed an offence; or
- died in the prison or while in the police custody.

He shall proceed or order an officer to proceed with the examination of the body and an investigation of the matter with assistance of a medical practitioner. Investigating officer should be at least of the rank of Assistant superintendent of police and the postmortem examination is carried out by the so called police medical officer. As in India, Police inquest is the commonest type of inquest in Mauritius. But under section 111 (1), the Director of Public Prosecutions may require the magistrate to hold an inquiry into the cause of death in any case as specified under section 110. In suspicious deaths, the magistrate may also order for exhumation. Here, there are 3 types of criminal courts according to their power. These are the Supreme Court, the Intermediate Court and nine District Courts. The Judicial Committee of the Privy Council is the highest court of appeal, and is located in UK.

SSR Medical College is the only medical college in Mauritius where the Department of Forensic Medicine & Toxicology is a well established department for medico-legal

training to undergraduate MBBS students. The designing of undergraduate syllabus is based on the pattern of Medical Council of India. Forensic Medicine and Toxicology is taught in second professional which is of one and half year duration. During this period, the students are trained in such a manner that they do not face any difficulty while dealing with common medico-legal problems. When the undergraduate study this subject, they are hardly imparted any practical training. Therefore, in my opinion, there should be at least a two weeks' posting during the internship of fresh graduates.

To conclude, at present, In Mauritius, like India, Pakistan, Bangladesh, Nepal, Sri Lanka,

Nepal and some countries of Africa, the work and training of Forensic Medicine Expert includes not only Forensic Pathology, but also Clinical Forensic Medicine, Forensic Toxicology, Forensic Odontology, Forensic Radiology, Scene Investigation, Forensic Psychiatry and minimum understanding of Forensic serology, DNA analysis, Dactylography, etc.

†District and Intermediate Courts (Criminal Jurisdiction). Act RL 2/551-5 November 1888. The Mauritius Law 1990;2:283.

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