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RELATIONSHIP BETWEEN LAW AND MEDICINE: AN ANALYSIS

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ABSTRACT

The two professions of law and medicine are considered as the noble and learned professions. Each of them has a long tradition of the observance of ethics and each of them has given to society so many people who have achieved distinction in public and private life. Medicine is a science. Science can be defined as any organized body of knowledge. The method of science is descriptive. It investigates facts, digests natural phenomena and then it seeks to present them in the form of a systematic theory. The law, on the other hand, like ethics, is prescriptive. It seeks to lay down norms of human conduct. It deals with human conduct ought to be and not with external factors. Engagement in these professions, directly or indirectly, serves society. The quite common link between the two professions is that the professionals are required to adhere to strict professional ethics and etiquette of the respective professions. Several are required to be followed and the professionals have to keep themselves up to date with the new laws as well.

The paper focuses on the relation between the profession of medicine and the profession of law. The paper also highlights the need for studying law along with medicines.

Keywords: Law, Medicine, Science, Descriptive, Prescriptive, Human Conduct, Profession, Society

INTRODUCTION

In this day of advanced technology, there are a huge number of employment options. A career in a technical field, the legal system, the judicial system, education, medicine, the public sector, social work, etc., are some of the professional opportunities. Professional activity in these fields' benefits society either directly or indirectly. A career in any profession has its own specialties.

Like most other professions, medicine is also governed by laws that are meant to protect the rights of a patient and prevent any kind of fraud or any other sort of crime from being committed. Medical practitioners have to complete required training and obtain medical license from a registered board to start with their medical career. In the course of practice, nurses and physicians have a professional duty of care that requires to use their expertise to help in whatever way they can. According to the Geneva Convention, the duty of a doctor is to keep patients healthy.

The legal and medical fields are respectable ones. While they are two distinct professions, there is one thing they have in common: both are extremely broad fields, and no individual can be considered an expert in either of them. A professional in either field can aim to be either a General Practitioner or a Specialist in a narrow part of the vast professional field. There are overlapping areas and shared concern in both professions that call for the use of both legal and medical knowledge for the benefit of society. Law and Medicine go hand in hand. These two fields are interlinked. Medical practitioners who have also studied law are confidently
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positioned to tackle medico-legal issues. Studying law is always beneficial for medical professionals as it enhances awareness and also helps in interpreting health care policies and laws. It also offers a better understanding and addresses ethical questions. In medico-legal cases, courts and adjudicating authorities play a vital role.

ABOUT LAW

The word “law” comes from the Anglo-Saxon language meaning “things lying in due place.” Hence, signifies an orderly arrangement. As applied to humans, it is probable that the need for such rules has been felt since the earliest of mankind. We can comprehend law when we understand our communities better. Law teaches us how to behave and abide by rules and have acceptable conduct.

Law refers to a system of rules and regulations that are established by a governing authority, such as the legislature of a country, judiciary, or any other relevant bodies. These rules are enforceable and govern the behaviour of individuals and organisations within a society. The primary purpose of law is to maintain order, protect individual rights and freedoms, and provide a framework for resolving disputes and administering justice. Law can cover an extensive range of areas including criminal law, civil law, administrative law, labour law, and more. Criminal law for example defines offences against the public and establishes penalties for those who violate the law. Civil law on the other hand deals with disputes between individuals or entities or encompasses areas like that of contract and tort laws.

Law typically is created through legislative process, where lawmakers debate, draft, and pass statutes or acts that outline the rules and regulations. These statutes are often supplemented by regulations or administrative rules that provide further details on how the law should be implemented. Additionally, legal principles derived from judicial decisions known as case law or common law also contribute to the development of the legal system. The legal system includes various components, such as courts, judges, lawyers, and legal professionals who interpret and apply the law to specific cases. Courts play a vital role in the legal system by resolving disputes, interpreting laws, and ensuring justice is served.

Law is a fundamental aspect of society that shapes and governs our interaction, safeguards our rights, and provides a framework for resolving conflicts and maintain order. It plays a crucial role in ensuring fairness, justice, and the functioning of civilized society.

ABOUT MEDICAL FIELD

The medical field, also known as healthcare or medicine, encompasses various professions, practices, and disciplines related to the diagnosis, treatment, and prevention of diseases and the promotion of overall well-being. It is a broad field that includes healthcare providers, researchers, administrators, and support staff working together to deliver medical services and advance medical knowledge. Several branches and specialties are present within the medical field.

Medical doctors, also known as physicians, diagnose and treat illnesses, injuries, and other medical conditions. They may specialize in specific areas such as internal medicine, paediatrics, surgery, obstetrics and gynaecology, psychiatry, or other specialized fields.

Nurses play a crucial role in patient care, providing direct medical care, monitoring patients, administering medications, and assisting physicians. They work in various settings, including

hospitals, clinics, and long-term care facilities. Advanced practice registered nurses (APRNs) have additional training and can provide more specialized care.

Allied health professionals work in collaboration with physicians and nurses to provide specialized diagnostic, therapeutic, and rehabilitative services. They include professionals such as pharmacists, medical laboratory scientists, radiologic technologists, physical therapists, occupational therapists, respiratory therapists, and more.

Medical researchers focus on advancing medical knowledge through scientific research. They conduct studies, clinical trials, and experiments to understand diseases, develop new treatments and therapies, and improve patient care. Medical research encompasses both basic research (bench research) and clinical research (studies involving human subjects).

Healthcare administrators, also known as healthcare managers or healthcare executives, oversee the management and operation of healthcare facilities and organizations. They oversee tasks such as financial management, policy development, staffing, and strategic planning to ensure efficient and effective delivery of healthcare services.

Above are just a few examples of the diverse roles and specialties in the medical field. Collaboration and coordination among the professionals in various disciplines are essential to provide comprehensive and effective healthcare to individuals and communities.

APPLICABILITY OF MEDICINE IN CIVIL LAW

Healthcare practice is largely governed by civil law, which accounts for the majority of violations by providers. Medical malpractice is a type of civil law claim where a patient alleges that a healthcare professional or institution provided substandard care that resulted in harm or injury. In these cases, medical knowledge and expert testimony play a crucial role in establishing the standard of care, determining if there was a breach of that standard, and establishing the causal link between the alleged negligence and the patient's harm.

In personal injury cases, medical evidence is often used to prove the extent and nature of injuries sustained by the plaintiff. Medical professionals may provide expert testimony to explain the cause of injuries, the expected recovery process, and the long-term effects on the plaintiff's health and well-being.

In product liability cases involving medical devices, pharmaceuticals, or other healthcare products, medical expertise may be necessary to determine whether a product's design, manufacturing, or labelling defects caused harm to the plaintiff. Medical experts can provide opinions on the safety, efficacy, and appropriate use of the product in question.

In cases where a person's death is alleged to have been caused by medical negligence or misconduct, medical evidence and expert testimony can be crucial in establishing the cause of death and demonstrating the link to the alleged negligence. Medical experts may provide opinions on the standard of care, potential errors or omissions in treatment, and the resulting impact on the patient's health and life expectancy.

In disability claims, medical evidence is often required to establish the nature and extent of a person's physical or mental impairments and their impact on the individual's ability to work or engage in daily activities. Medical professionals may provide documentation, medical records, or expert opinions to support the disability claim.

Medical evidence and expert opinions can be relevant in insurance claims related to health, life, or disability insurance. Medical professionals may provide documentation, diagnostic

reports, treatment records, or expert opinions to support or refute the claim, establish the necessity of medical treatments, or evaluate the extent of the claimed disability.

It is important to note that the specific applicability of medicine in civil law can vary depending on the jurisdiction and the specific circumstances of the case. In civil litigation, parties may consult medical experts, present medical records, and reports, and rely on medical knowledge and principles to support their claims or defences. The court may evaluate this medical evidence to make informed decisions regarding liability, damages, or other relevant legal considerations.

APPLICABILITY OF MEDICINE IN CRIMINAL LAW

Medicine can have several applications in criminal law, particularly in cases where medical knowledge, expertise, or evidence is relevant.

Here are some areas where medicine intersects with criminal law:

1. Forensic medicine involves the application of medical knowledge and techniques to legal matters. Forensic pathologists, for example, play a crucial role in determining the cause and manner of death in suspicious or violent cases. They perform autopsies, examine evidence, and provide expert opinions regarding the injuries sustained and the circumstances surrounding the death.
2. Medicine, particularly psychiatry and psychology, is relevant in criminal cases that involve mental health issues. Mental health professionals may evaluate defendants to determine their mental state at the time of the alleged offense or their competency to stand trial. They may provide expert opinions regarding mental disorders, capacity to understand legal proceedings, or the potential impact of mental health on criminal behavior.
3. Medicine is often involved in cases related to substance abuse or intoxication. Toxicology experts may analyze biological samples, such as blood or urine, to determine the presence and levels of drugs or alcohol in a person's system. This evidence can be crucial in establishing impairment, intoxication, or the influence of substances on the commission of a crime.
4. Medical professionals, such as pediatricians or forensic pediatric specialists, play a critical role in identifying and documenting cases of child abuse or neglect. They may examine the child, document injuries, provide expert testimony, and collaborate with law enforcement and child protective services in investigating and prosecuting such cases.
5. Medical professionals, such as forensic nurses or sexual assault nurse examiners (SANE), are often involved in the examination and documentation of victims of sexual assault or rape. They collect physical evidence, document injuries, and provide expert testimony on the presence of injuries consistent with the alleged assault.
6. Medicine and genetics play a significant role in criminal cases where DNA and biological evidence are crucial for identifying suspects or establishing guilt or innocence. Medical experts may analyze DNA samples, compare them with crime scene evidence, and provide expert testimony on matters such as paternity, identification, or the probability of a DNA match.

It is important to note that the specific applicability of medicine in criminal law can vary depending on the jurisdiction and the specific circumstances of the case. In criminal trials, medical experts may be called upon to provide opinions, present medical records, and reports, analyse forensic evidence, or testify regarding the medical aspects of the case. The court evaluates this medical evidence and expert testimony to assist in determining guilt or innocence, sentencing, or other relevant legal considerations.

APPLICABILITY OF MEDICINE IN ADMINISTRATIVE LAW

Medicine can have various applications in administrative law, particularly in the context of healthcare regulation and oversight. Administrative law governs the activities of administrative agencies and their interactions with individuals and organizations.

Here are some areas where medicine intersects with administrative law:

1. Administrative agencies, such as health departments or medical boards, are responsible for regulating and overseeing healthcare practices and facilities. They establish licensing requirements, guidelines for medical professionals, and standards for healthcare delivery. Medical expertise is essential in developing and implementing regulations that ensure patient safety, maintain professional standards, and protect public health.
2. Administrative law governs disciplinary proceedings against healthcare professionals, such as doctors or nurses, who are accused of professional misconduct or violations of ethical standards. Medical expertise is crucial in evaluating complaints, conducting investigations, and determining the appropriate disciplinary actions based on the evidence presented.
3. In countries like the United States, Medicare and Medicaid are government-funded healthcare programs that provide coverage for eligible individuals. Administrative law plays a significant role in the administration and regulation of these programs. Medical knowledge is essential in determining coverage criteria, evaluating medical necessity, and establishing reimbursement rates for healthcare services and procedures.
4. Administrative agencies are responsible for issuing medical licenses and credentials to healthcare professionals. Medical expertise is crucial in assessing the qualifications, education, training, and competence of applicants to ensure that they meet the required standards for practice.
5. Administrative agencies oversee the accreditation and licensing of healthcare facilities, such as hospitals, clinics, or long-term care facilities. Medical knowledge is necessary to evaluate the quality of care, infrastructure, equipment, and compliance with regulations to ensure that patients receive safe and appropriate care.
6. Administrative agencies, such as the U.S. Food and Drug Administration (FDA), are responsible for regulating the approval, safety, and efficacy of pharmaceuticals and medical devices. Medical expertise is crucial in evaluating clinical trial data, conducting risk-benefit assessments, and making determinations regarding the approval, labeling, or recall of drugs and medical devices.
7. During public health emergencies, administrative agencies play a crucial role in coordinating and implementing response efforts. Medical expertise is vital in assessing

the severity of the health threat, providing guidance on containment measures, developing vaccination strategies, and advising on public health interventions.

In administrative law, medical knowledge is utilized to inform decision-making, establish regulations and standards, evaluate evidence, and ensure that healthcare practices and facilities comply with established guidelines. The collaboration between medical professionals and administrative agencies helps ensure the effective regulation and oversight of the healthcare system to protect public health and safety.

BASIC LAWS WHICH ARE RELEVANT IN MEDICAL PROFESSION

1. Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2022
Medical practitioners, like any other professionals, are bound to follow a certain code of conduct. The medical council of India as per Sections 20A and 33(m), code of conduct is set for medical practitioners.
2. Law of Contract
An implied contract is made between a doctor and patient. Patients believe that the doctor can give medical treatment with the knowledge and experience gained from medical education and years of practice and thus treat patients for their diseases.
3. Law of Torts
Medical professionals must be aware of the law of torts as they might face a lawsuit for unliquidated damages under the law of torts.
4. Consumer Protection Act, 1986
Treatments given by medical professionals are covered under the said Act. Patients can approach the appropriate authorities and forums for remedies and grievance redressal.
5. Liability Under Indian Penal Code, 1860
Under Sections 269, 270, 304 A or 338 are the provisions where a doctor can be prosecuted.
6. Transplant of Human Organs Act, 1996
Any surgeon involved in or dealing with organ transplants must be aware of the provisions of the said Act. It governs the practice and procedures related to organs.
7. Pre-Natal Diagnostic Techniques (Prevention of Misuse) Act, 1994
The law had been enacted to curb the menace of female infanticide in India. Doctors should not be encouraging the practice of unlawful abortion. Practitioners if found guilty of any such act will be prosecuted under the said Act.

LAW AND MEDICINE: RELATIONSHIP ANALYSIS

The relationship between law and medicine is a complex and multifaceted one. Both fields are crucial in society and often intersect in various ways. This analysis will explore the different

aspects of their relationship, including the legal framework that governs medical practice, medical ethics, medical malpractice, and the role of law in healthcare regulation and policy.

➤ Legal Framework for Medical Practice:

The practice of medicine is regulated by a set of laws and regulations designed to ensure patient safety, protect medical practitioners, and maintain ethical standards. These laws include licensing requirements, scope of practice regulations, and guidelines for medical education and training. The legal framework also addresses issues such as medical confidentiality, informed consent, and patient rights. It provides a structure within which medical professionals can operate and be held accountable for their actions.

➤ Medical Ethics:

Ethical considerations play a crucial role in both law and medicine. Medical ethics provide guidelines for healthcare professionals to make decisions that prioritize patient well-being and autonomy. Concepts such as beneficence, non-maleficence, autonomy, and justice are fundamental in medical ethics. The law often reflects these ethical principles and may intervene in cases where they are violated, such as in cases of medical negligence or refusal of medical treatment.

➤ Medical Malpractice:

Medical malpractice refers to cases where a healthcare professional deviates from the accepted standard of care, resulting in harm to the patient. When such incidents occur, the legal system provides a mechanism for patients to seek compensation for damages through medical malpractice lawsuits. These cases involve the intersection of medical knowledge, expert testimony, and legal standards of care. The legal system plays a vital role in holding healthcare professionals accountable for their actions and ensuring that patients receive appropriate compensation for any harm suffered.

➤ Healthcare Regulation and Policy:

Law and medicine also intersect in the realm of healthcare regulation and policy. Governments establish legal frameworks to regulate healthcare delivery, pharmaceuticals, medical devices, and health insurance. These regulations aim to protect public health, ensure access to quality care, and control costs. Additionally, legal considerations often influence healthcare policy decisions, such as those related to medical research, public health emergencies, and bioethical issues like organ transplantation or end-of-life care.

➤ Medical-Legal Issues and Litigation:

Various medical-legal issues arise at the intersection of law and medicine. These include matters like patient confidentiality, reproductive rights, medical research ethics, and access to healthcare. As medical science advances, new ethical and legal questions emerge, such as those related to genetic testing, assisted reproductive technologies, or the use of emerging technologies like artificial intelligence in healthcare. Resolving these issues often requires collaboration between legal and medical professionals, as well as policymakers and ethicists. The relationship between law and medicine is a symbiotic one. The law provides a framework for medical practice, protects patients' rights, and holds medical professionals accountable. At

the same time, medical knowledge and ethical considerations shape the law's approach to healthcare regulation and policy. This intricate relationship ensures that medical practice is conducted in an ethical, safe, and legally compliant manner, promoting the well-being of patients and society as a whole.

CONCLUSION

In conclusion, there are many instances when the fields of law and medicine overlap. The laws of a country are established to control the medical industry and safeguard both patients and medical professionals. Laws are founded on the universally recognized human rights concepts and are applied in a way that upholds such rights. Due to the country's growing population and socioeconomic structure, India now has a number of issues with the practice of medicine. Even though medical facilities have improved significantly, and universal healthcare is now available, there is still more that needs to be done to educate the general public. As always, a well-informed patient is necessary in an effective health care system and in improving the health and standard of living of society as a whole.

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