

# MEDICO LEGAL ASPECTS OF

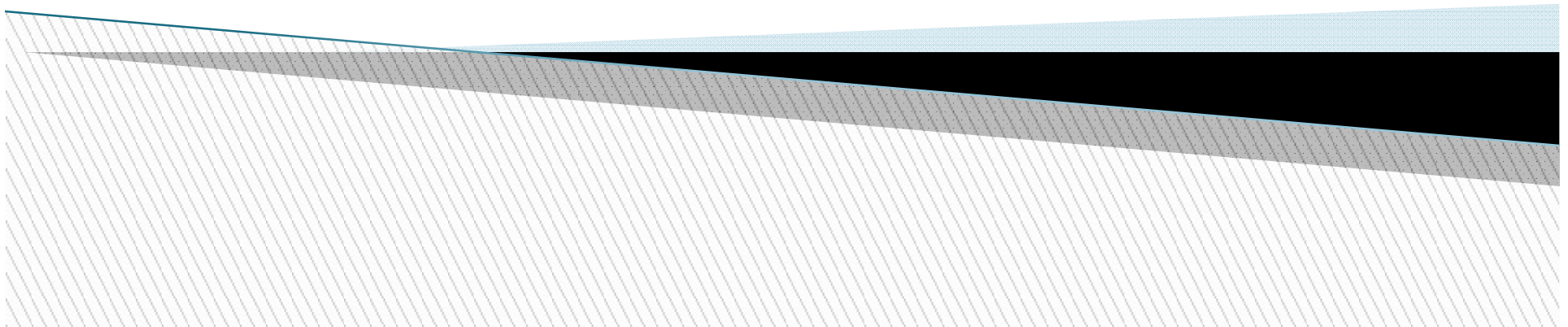


**ALCOHOL**



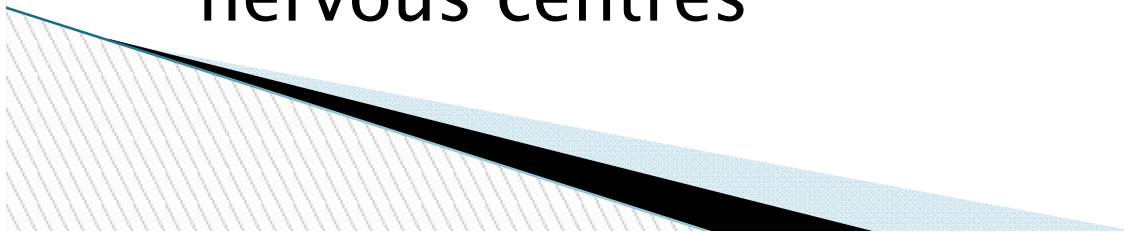
# Medico Legal Aspects of alcohol

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DEPT. OF FORENSIC MEDICINE



# INTRODUCTION

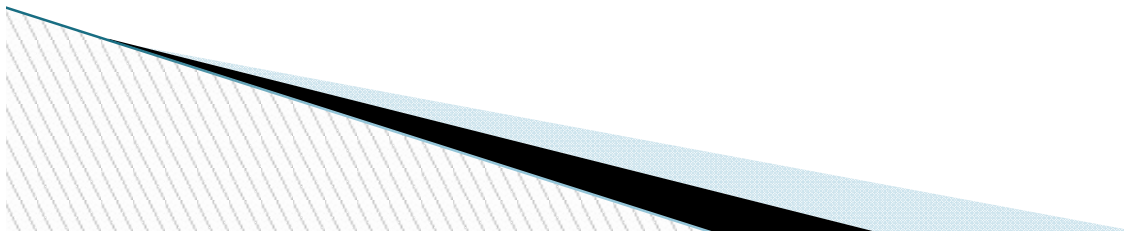
- } What is alcohol ?
- } Ethyl alcohol
- } Produced by the fermentation of sugars by yeast.
- } Alcohol is a well known stimulant, but is a selective depressant, especially of the higher nervous centres



} Different types of alcohol beverages:

} Popular alcoholic beverages: beer , wine , whisky, gin, brandy ,rum and vodka

} Other preparations :toddy ,arrack, feni, gudumba etc...



## ALCOHOLISM

} **What is alcoholism ?**

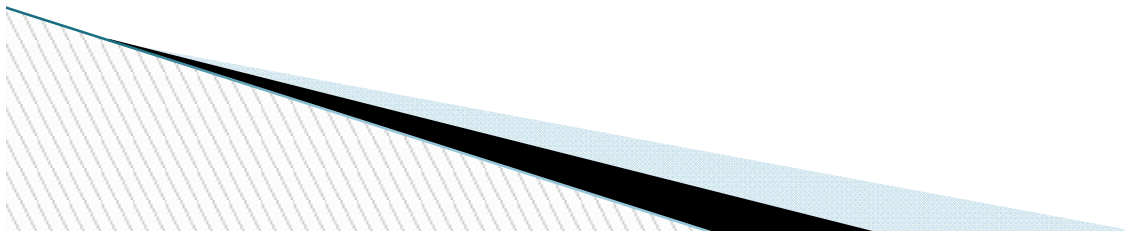
} Alcoholism is a condition in an individual who consumes large amount of alcohol over a long period of time.

} It is characterised by

} A pathological desire for alcohol intake

} Black- outs during intoxication

} Withdrawal symptoms on ceasing alcohol intake

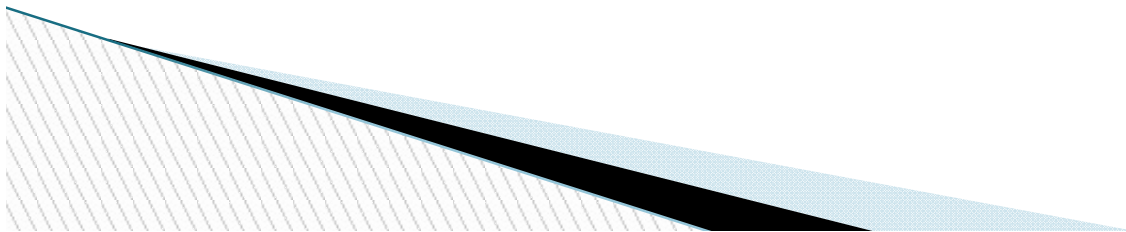


# Alcohol?

} ■



# ALCOHOL AFFECTS



# Medico Legal Aspects of alcohol

} It will have affect on individuals, family and in the society.

## } **INDIVIDUAL**

} Road traffic accidents and industrial accidents

} Injuries to himself and others: chocking, drowning, postural asphyxia, electrocution, falls, burns

} They may commit crime, suicide or murder. Etc...

} Sexual: STD, unplanned pregnancies

} Medical problems: cirrhosis, arrhythmias etc

} Financial problems

} Death





# Short-Term Effects Of Alcohol



- } Increased reaction time
- } Decreased visual acuity
- } Impairing judgment
- } Creating false self confidence

# Short-Term Effects Of Alcohol

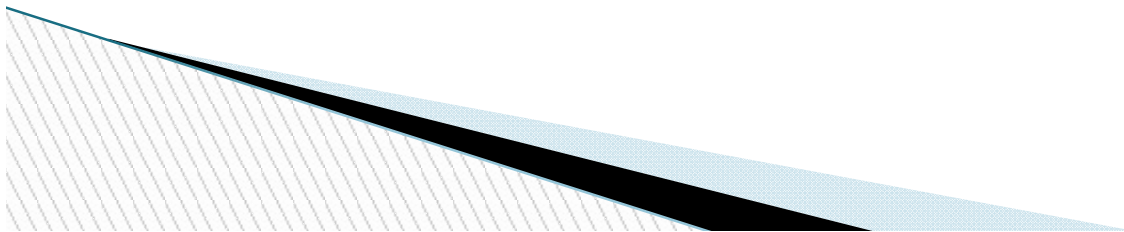
- } HIV/AIDS,
- } sexually transmitted diseases,
- } unplanned pregnancies,
- } date rape, and violence
- } can result when under the influence of alcohol.



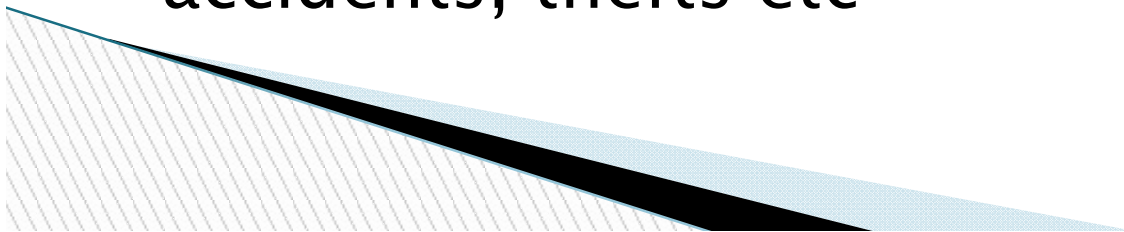
## **FAMILY:**

- } Marital relations: divorce, adultery, dowry related deaths
  
- } Child abuse and wife abuse
  
- } a) Physical abuse
- } b) Neglect
- } c) Sexual abuse
- } d) Emotional abuse

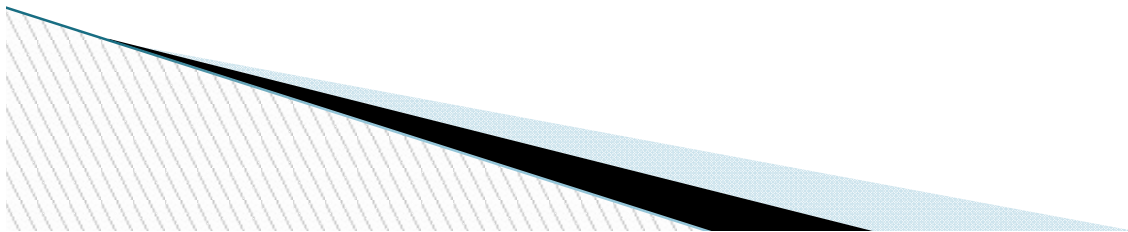
**physical abuse**—non accidental injuries caused by parents , care taker. It can be beating or battering of child



- } **Sexual abuse** in appropriate sexual behaviour
- } Like incest, rape, sodomy, indecent assault, showing pornographic materials
  
- } **Emotional abuse** ( verbal & mental abuse or psychological maltreatment)parents or care taker using extreme forms of punishment. Like confinement in a closet or dark room( Act of Commission)
  
- } **SOCIAL:**
- } Create problems to public like abuse, injuries, accidents, thefts etc



**ALCOHOL  
AND  
ROAD TRAFFIC ACCIDENTS**



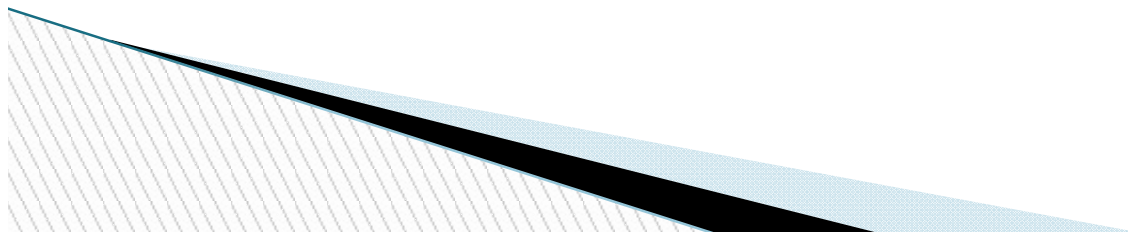
# Legal Aspects of alcohol

- } **Road traffic accidents:**
- } driving a vehicle under influence of alcohol is an offence punishable U/s 185 of the Motor vehicle act (1988 amended 1994)
- } For 1<sup>st</sup> offence punishment is imprisonment of **6 months** & fine of Rs **2,000/-**
- } 2<sup>nd</sup> offence if committed within 3 yrs the punishment is **2yrs** & fine of Rs **3,000/-**
- } Under this act there can be arrest without warrant. Breath test & laboratory test can also carried out

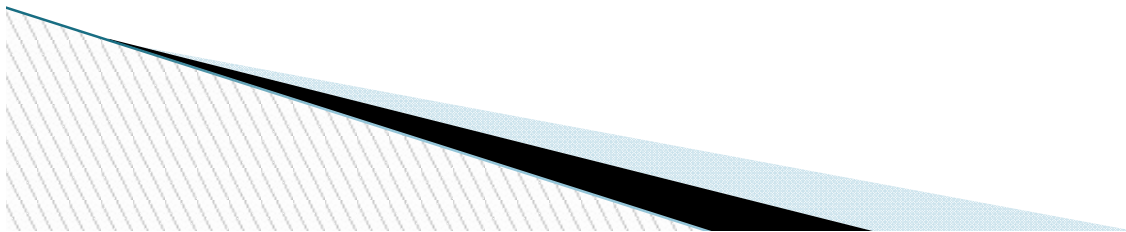


# RECENTLY AMENDED

- } The Govt amended the act according to blood alcohol level in drunk & driven cases
- } If BAC is 60mg /dl penalty remains same as U/s 185 of Motor vehicle act
- } If BAC 60 to 150mg/dl imprisonment for 1 yr with fine of Rs 4,000/-
- } If offence is repeated within 3 yrs imprisonment for 3yrs & fine Rs 8,000/-



- } If BAC is **more than 150mg/dl** imprisonment for **2yrs** with fine of Rs **5,000/-**
- } If the offence is repeated imprisonment is for **4yrs** & fine of Rs **10,000/-** besides cancellation of **licence**
- } In India the age for possession & consumption of Alcoholic beverages is between **18-25yrs**



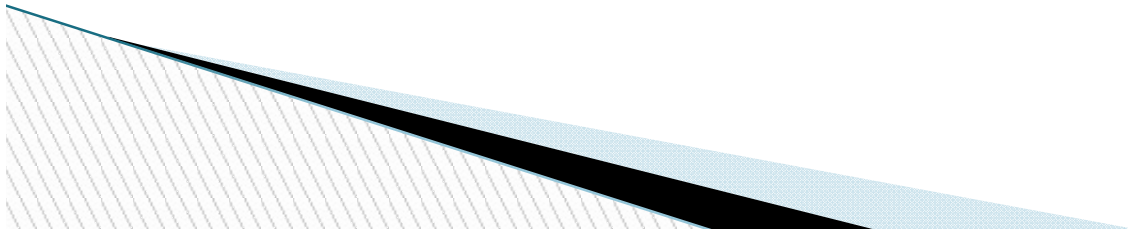


# Driving under the influence of alcohol

- } Authorities around the world have laid down their own standards for permissible **maximum BAC**.

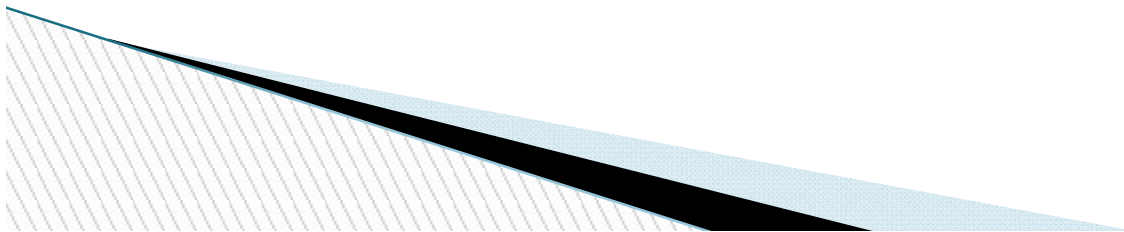
Permissible BAC (mg/dl)	Countries
0	Hungary, Pakistan, Saudi Arabia, UAE
20	Norway, Poland, Sweden
30	<b>India.</b> China, Japan
50	Australia, France, Germany, Italy, Spain, Netherlands, Russia, Denmark
80	Canada, UK, US (100mg/dl in some states)

# ALCOHOL AND CONSENT




# ALCOHOL AND CONSENT

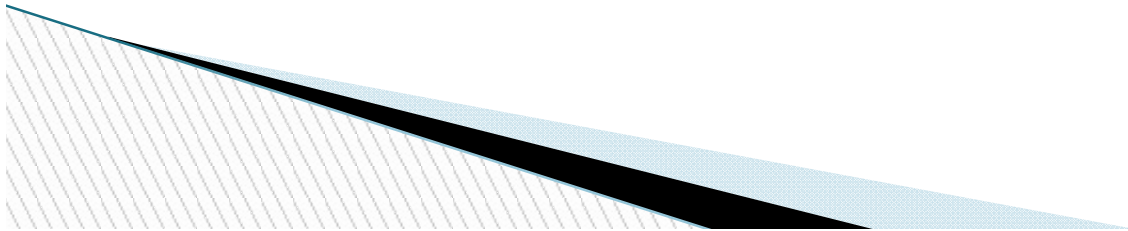
- } The detained person should not be examined and blood, urine or breath should not be collected without his written consent.  
(**Informed consent** )
- } If the person becomes **unconscious** or **incapable** of giving consent, examination and treatment can be carried out, but the doctor should not disclose any information obtained during examination and wait for his consent, till he regains consciousness





- } Under **sec 53 (1) Crpc**, examination of an accused can be carried out by a doctor at the request of the police, even without his consent and by use of force, if necessary. Such examination may include taking of body fluids in cases of suspected intoxication.
  
  - } wherein the patient is told the nature and purpose of the examination as also that the findings of the examination so performed may go against him.
  
  - } **Sec 90 Ipc**: a consent given by person under intoxication is not valid
- 

# ALCOHOL AND DOCTOR



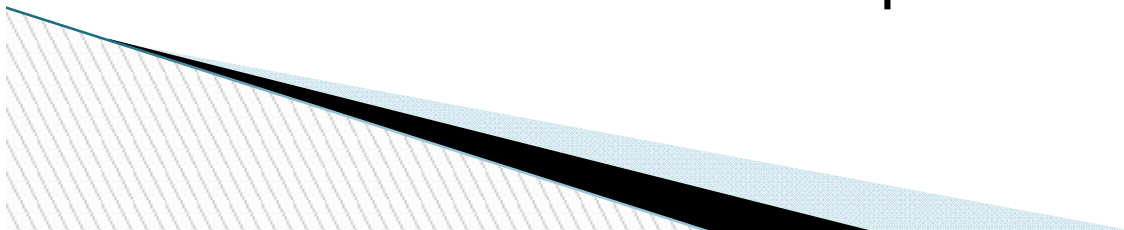
} **INFAMOUS CONDUCT:** Patient management under the influence of alcohol will be considered as infamous conduct or professional misconduct.

- The doctor is liable to be prosecuted against by the state medical council.
- The drunken doctor runs the risk of his name being **erased** from the Medical Register.

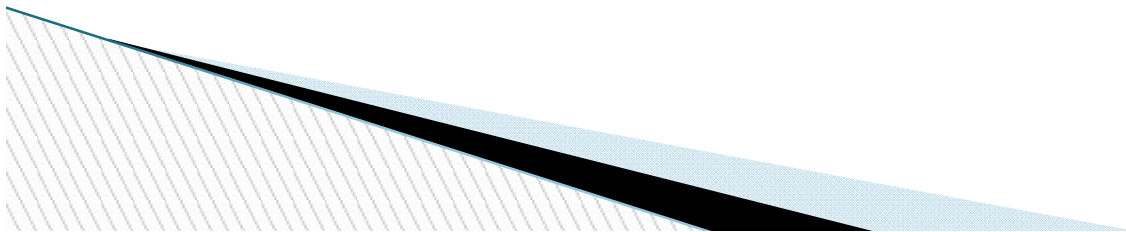
➤ **NEGLIGENCE:**

A surgeon performing an **operation** under the influence of alcohol can be prosecuted under S. **304 A** of the IPC.

- A doctor may be sued for **damages** in the event of the patient suffering damage or death due to his **negligent conduct**. Punishment: imprisonment up to 2 years

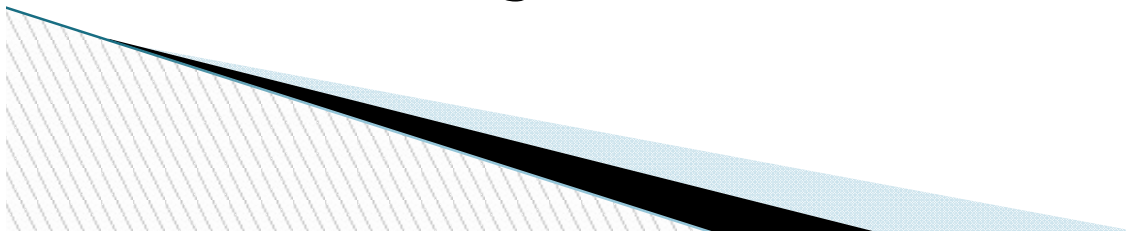


**ALCOHOL  
AND  
CRIMINAL RESPONSIBILITY**





- } **S. 84 IPC** Where habitual drinking has resulted in such a diseased condition of mind (insanity) that the accused is incapable of knowing the nature of the act or that he is doing what is either wrong or contrary to the law. **Not responsible**
  
- } **S. 85 IPC** lays down the **criminal responsibility** of an intoxicated person.
  - } was administered that (unwholesome) substance against his will' or without his knowledge. **Not responsible**
  
- } **S. 86 IPC** : He has the intension or knowledge of committing a crime before drinking. **responsible**



} **WITNESS:**

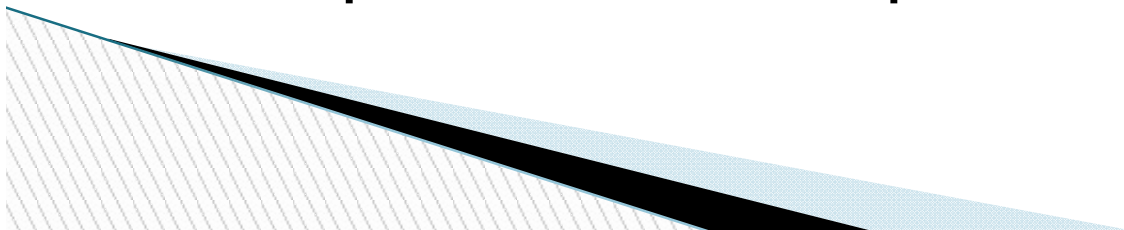
As per **IEA Sec 118**, an insanity due to alcoholism, the person is not competent to give evidence.

} **Will:**

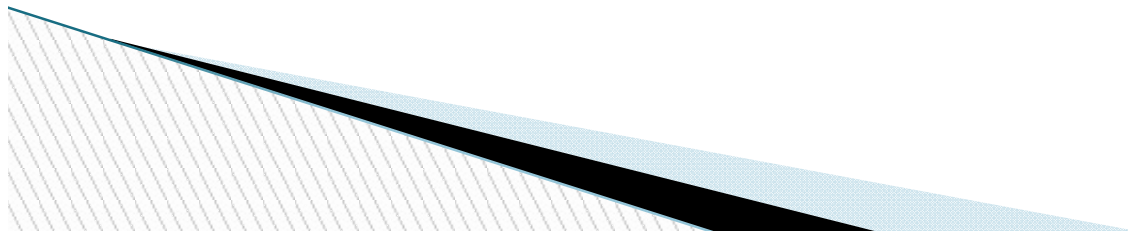
An intoxicated person cannot make a will, as per **indian succession act, sec 59**.

} **S. 510 IPC** : misconduct in public place by drunken person:

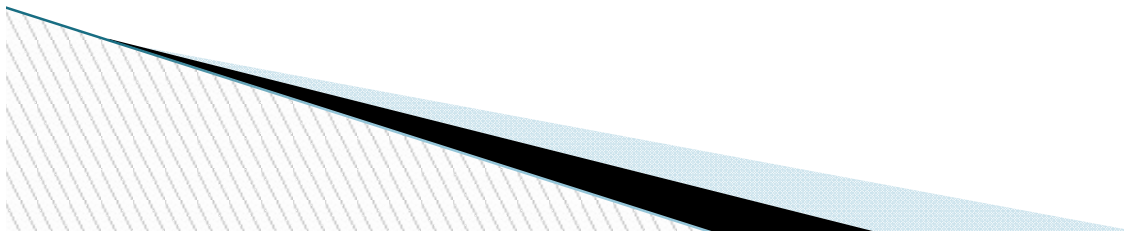
- a) An arrest warrant is necessary, and
- b) Imprisonment is up to 24 hrs only.



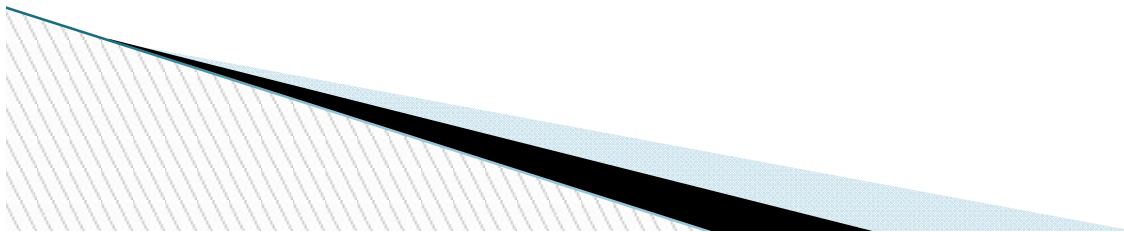
**ALCOHOL**  
**and**  
**RELATED CONDITIONS**



- } **Delirium tremens**: It is medical emergency and should be treated on an inpatient basis.
- } When a person in delirium tremens commits any illegal act, he is not held responsible by the reason that he/she is considered to be mentally unsound during this state (**Sec. 84 IPC**)
- } **Alcoholic hallucinations**: Patient may become homicidal or suicidal in response to his hallucinations.



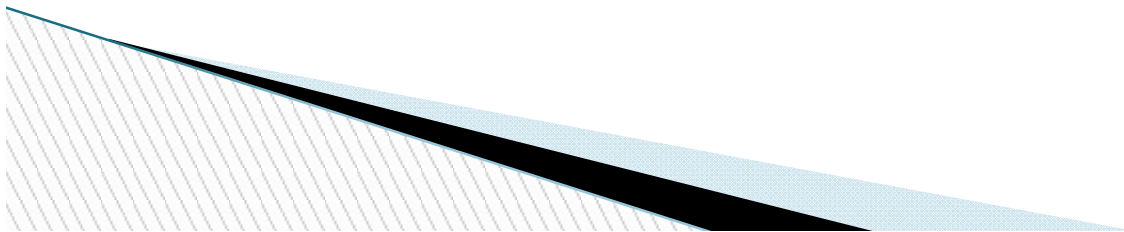
- } **Alcohol blackout:** about 35% of drinkers may experience a blackout, an episode of temporary amnesia in which the person forgets all or part of what occurred during a drinking session.
- } At times, a small dose of alcohol may produce acute intoxication in some persons which is known as **pathological intoxication.**



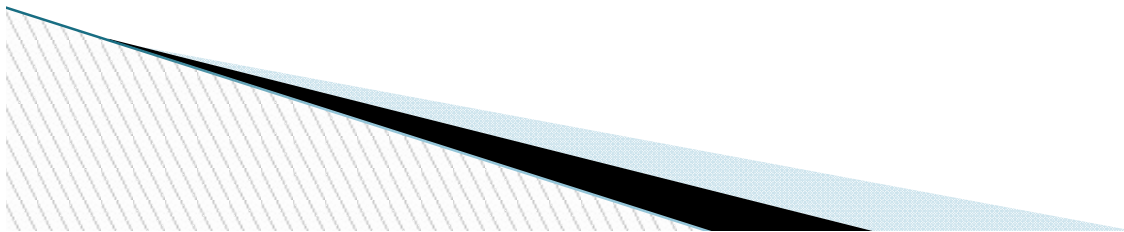
**ALCOHOL**

**RELATED**

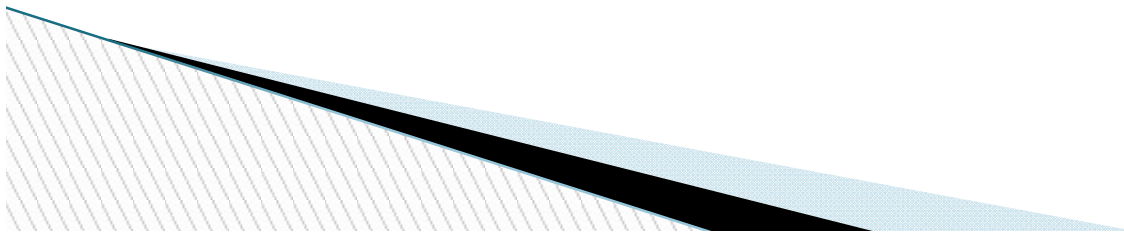
**MEDICOLEGAL POINTS**



- } Medico legally ( **stages** of excitement & confusion) are most important, since most of the offences are committed during these two stages.
- } alcohol intoxication ( through all stages) can **mimic** several conditions which can lead to errors in diagnosis
- } It is true that a **pedestrian** under the influence of alcohol may be the cause of serious accidents.



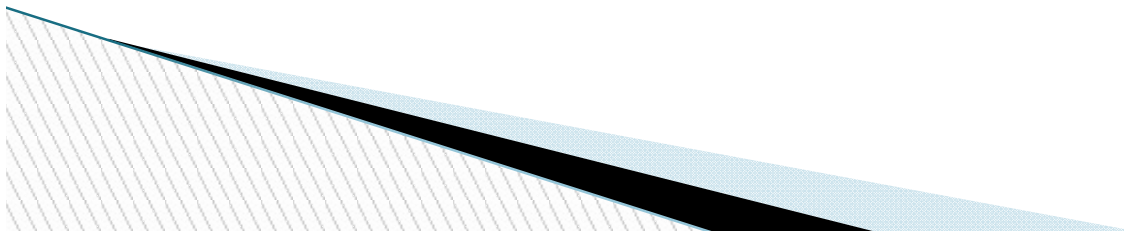
- } drunkenness may be a plea for **defence** in many types of assaults.
- } To **strengthen/weaken** the offence in cases like rape, assault, homicide etc..
- } Forensic expert must rule out alcohol , in case of **sudden deaths**.
- } Alcohol may induce aggressive **sexual** behavior but it is not an aphrodisiac. It causes decreased performance.



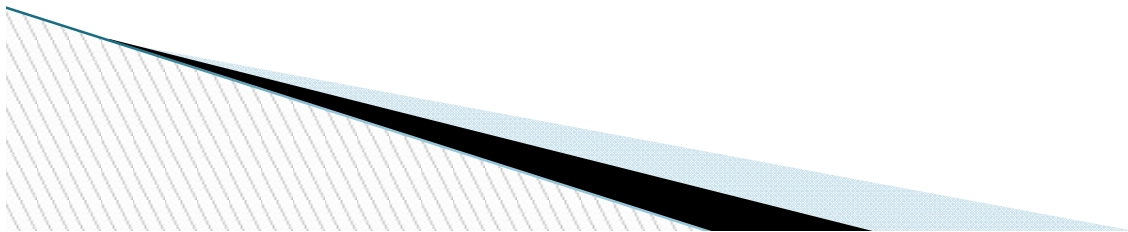


} Other circumstances where alcohol estimation is needed?

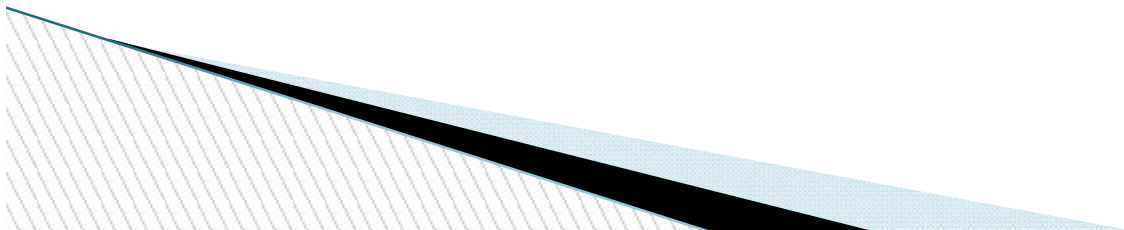
- 1) Death in police custody.
- 2) Insurance claims
- 3) Sudden deaths
- 4) Sports
- 5) Death from withdrawal symptoms etc...



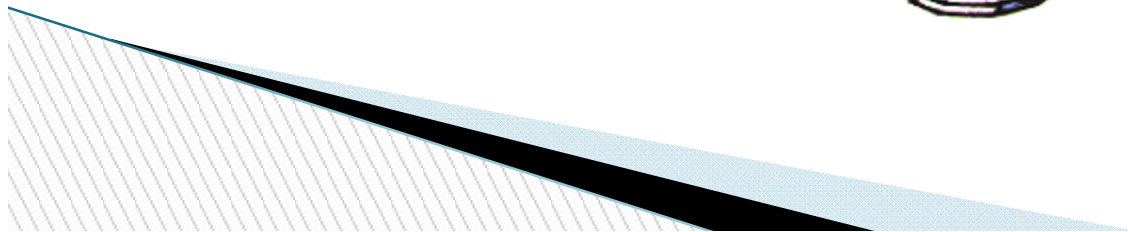
# ILLICIT LIQUOR



- } Any alcoholic beverage made under unlicensed conditions is called **illicit liquor**. Usually sub-standard raw material is used often this is spiked with other chemicals (adulteration).
- } Sometimes, industrial **methyl alcohol** or denatured **spirit** is added by illicit liquor.
- } The cases of **mass poisoning** are quite frequent as methylated spirit is very cheap and it is an adulterated intoxicating beverage
- } **Gujarat** is the only state in India that has **death penalty** for those found guilty and selling spurious liquor.



- } **Telangana** : Nearly 30 people have died with withdrawal symptoms from toddy adulterated with diazepam and other dangerous chemicals.
- } **Adulterants**: water, artificial sweeteners, magnesium chloride, diazepam, alprazolam and chloral hydrate, etc..



TRS Govt  
Has Given  
Out Toddy  
Licences,  
But There  
Are Hardly  
Any Trees  
To Supply A  
Clean Drink

# Toddy turns killer as T govt suffers withdrawal symptoms

With less flow of toddy from the trees round the year - more so because lakhs of trees have been felled due to urbanization - the powerful liquor lobby indulges in adulteration with water, artificial sweeteners, magnesium chloride, diazepam, alprazolam and chloral hydrate

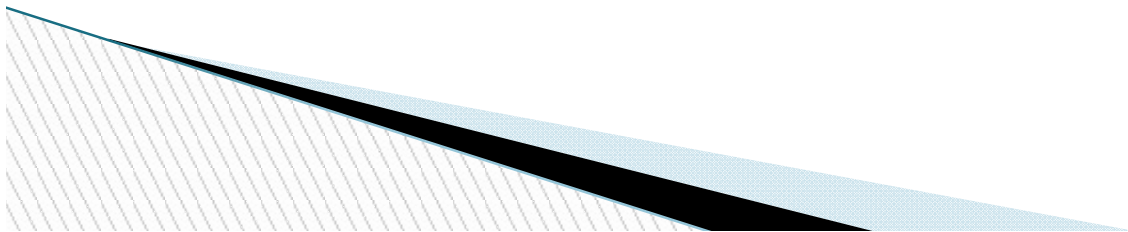


magnesium and aluminium sulphides are also added to the drink to help retain the colour.

While the prohibition and excise officials have cracked down on adulterated toddy in some districts and also set up camps for people suffering from withdrawal symptoms, little effort has been made to prevent shop owners from mixing harmful substances.

dangerously addictive chemi- Chandrasekhar Rao decided toddy can be extracted from a

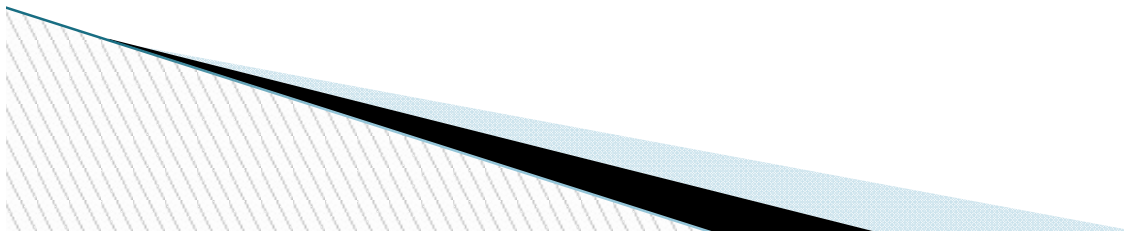
**ALCOHOL  
AND  
SUDDEN DEATH**



# SUDDEN DEATH

1) Arrhythmias

2) Positional or postural asphyxia

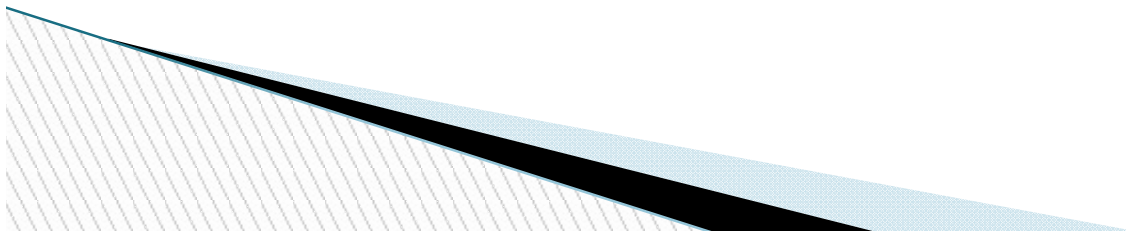


**SECTIONS**

**RELATED**

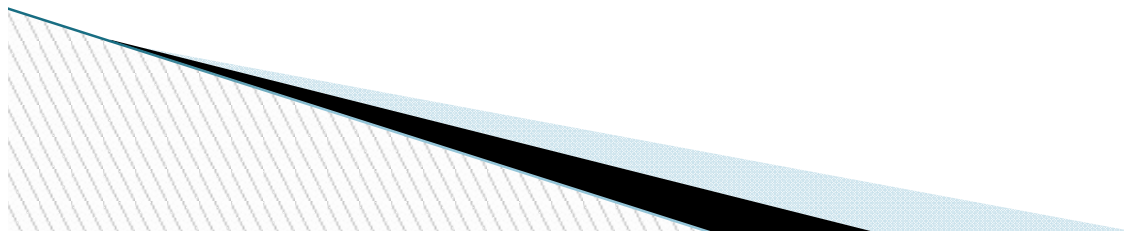
**TO**

**ALCOHOL**





- SEC 302 – MURDER
- SEC 299 – CULPABLE HOMICIDE
- } SEC 304 A – DEATH BY RASH OR NEGLIGENT ACT (RTA)
- } SEC 304 B – DOWRY DEATH
- } SEC 306 – ABETMENT OF SUICIDE
- } SEC 309 – ATTEMPT TO COMMIT SUICIDE
- } SEC 354 – INDECENT ASSAULT
- } SEC 376 – RAPE
- } SEC 377 – UNNATURAL SEXUAL
- } SEC 498 – CRUELTY



# RECOMENDATIONS

1) Regular checkups by the police on the roads

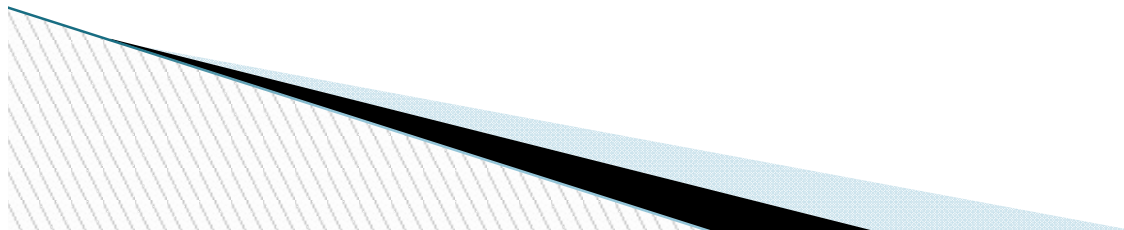
## 2) **Strict punishments**

a) For production, transportation, sale of unlicenced different alcohol products

b) Adulteration

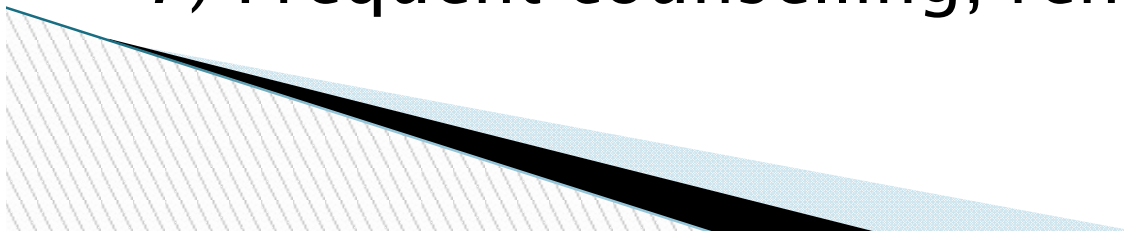
c) Drunken driving

d) Sale and drinking on un permitted places



# RECOMENDATIONS

- 3) frequent advertisements through media
- 4) Regular & strict bar timings
- 5) Frequent sample checking by prohibition and excise people
- 6) Prohibition on Rave parties
- 7) Frequent counselling, rehabilitation etc..



**Thank You**

