



MEDICOLEGAL ASPECT OF TRAUMATIC TOOTH INJURIES

Dental Science

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ABSTRACT

Traumatic injuries constitute unfortunate, painful and distressing events with multi level consequences. One should know the importance of dental trauma, its causation and examination by a team of Forensic Odontologist and Forensic physician to evaluate it from medico-legal point of view. This article uses an actual parent complaint to illustrate the medicolegal aspects of the replantation decision and describe measures to be taken by the clinician faced with this situation.

KEYWORDS

Tooth Injury, Medico Legal Aspect

INTRODUCTION:

Dental trauma is injury to teeth, gums and jaw bones. The most common dental trauma is a broken or displaced tooth though dental trauma includes teeth that are knocked out (dental avulsion), cracked (fractured), forced out of position (dental luxation, lateral displacement, or extrusion), pushed up into the jawbone (dental intrusion), or loosened by impact (subluxation or dental concussion). Dental practice has been facing highly challenging medico-legal environment and problems related to legal expertise in everyday practice. "Forensic dentistry, legal and medical aspects" is the only textbook⁽¹⁾ currently available in our country that comprehensively addresses the problems in this field. Majority of dentists are not familiar with evaluation of civil liability including reduction of life activities, total suffered pain, mental suffering for facial disfigurement, and these terms are mostly considered abstract classifications. It is mainly due to the fact that this segment of education is not properly addressed throughout the study curriculum, neither undergraduate nor postgraduate. Expert evaluation of the severity of injury (criminal liability) is also quite unknown to dentists.

MEDICO-LEGAL EXAMINATION

It Comprises Of Three Parts-

1. Preliminary Examination
2. Body of the Report
3. Conclusions / Opinion / Deductions / Inference.

Preliminary Examination-

- Name, Age, Sex, Caste, Residence, Occupation of the victim.
- Accompanying person's Name and address.
- If brought by police then Name & Belt No. of the constable, with docket/requisition letter of concerned police station.
- Date and Time of arrival, Date and Time of examination, Place of examination, Consent.
- Identification marks.
- Examination fees if required.

Body Of The Report-

Practice history plays an important role in arriving at clinical diagnosis, similarly brief medico legal history has a great role to play in forensic traumatology. When the patient is received with an acute trauma, the oral region is usually heavily contaminated. The first step in the examination procedure, therefore, is to wash the patient's face. While this is being done, it is possible to get an initial impression of the extent of injury. Thereafter, a series of questions must be asked.⁽²⁾ These questions include:

1. How did the injury occur? The answer will indicate the location of possible injury zones (e.g. crown-root fractures in the premolar and molar region after impacts under the chin).

2. By whom the injuries are caused? (Name and number of accused involved).

3. Why the injuries are caused? i.e. The motive behind assault.

4. With what the injuries are inflicted? i.e. the alleged weapon

5. Where did the injury occur? This will also indicate the consistency of face and possibility of contamination of wounds.

6. When did the injury occur? i.e. date and time especially in case of avulsed or displaced teeth. Any inconsistency between the appearance of the wounds on a child and history supplied should raise suspicion.

7. What he did after being assaulted? i.e. whether he visited the police station or came back to home or took treatment from any other hospital?

8. Was there a period of unconsciousness? If so, for how long? Is there headache? Amnesia? Nausea? Vomiting? These are all signs of head injury and require medical attention.

9. Has there been previous injury to the teeth? Answers to this question may explain darkened and/or non-vital teeth (occur over a period of weeks, or even months) with radiographic findings, such as pulp canal obliteration and incomplete root formation in a dentition with otherwise completed root development. Development of ankylosis after avulsion could be diagnosed 10 weeks after injury by the percussion test, whereas radiographic diagnosis could be made after 4 month.

10. Is there any disturbance in the bite? An affirmative answer can imply one of the following conditions: tooth luxation, alveolar fracture, jaw fracture or luxation or fracture of the temporomandibular joint.

11. Is there any reaction in the teeth to cold and/or heat? A positive finding indicates exposure of dentin.

NATURE OF INJURY/HURT:

It comprises of two words i.e Injury and its Nature. Under **section 44 IPC** the word injury denotes any harm whatsoever illegally caused to any person in body, mind, reputation or property. While in medical world word injury means breach in the anatomical continuity of body tissue.

As per **section 319 IPC** whoever causes any bodily pain, or infirmity to any person is said to cause hurt. Nature of injury means severity of harm. In medico legal terminology it can be simple, grievous or dangerous to life. Under Section 320 of IPC the following kinds of hurt only are designated as "grievous"⁽³⁾:-

- First: - Emasculation.
- Secondly: - Permanent privation of the sight of either eye.
- Thirdly: - Permanent privation of the hearing of either ear.

- Fourthly:-Privation of any member or joint
- Fifthly: - Destruction or permanent impairing of the powers of any member or joint.
- Sixthly: - Permanent disfiguration of the head or face.
- Seventhly:-Fracture or dislocation of a bone or tooth.
- Eighthly:-Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

Under Clause Fifth / Seventh Of The Above Mentioned Section, Dental Injury May Be Declared As “Grievous”

Injury/Hurt which is neither extensive nor serious heals, rapidly without causing any permanent deformity or disfiguration is said to be simple in nature. Nature of injury may be declared immediately after the medico-legal examination of the injured or later on after taking into consideration the clinical notes and the investigation reports especially so when there is suspicion that the injury may be “grievous” or “dangerous to life”.⁽²⁾

Whoever does any act with the intention of thereby causing hurt (321 IPC) or grievous hurt (322 IPC) then the assailant may be punished u/s 323 (imprisonment for 1 yr, or fine of 1000 rupees, or both-bail able offence) or 325 IPC (imprisonment for 7 yrs, and fine able offence).

CONCLUSION:

Dental trauma is common in India. The liberty of an innocent person and punishment to a guilty largely depends upon the meticulous medico legal examination of dental trauma case and its appropriate medico legal evaluation. If dental trauma is as a result of voluntarily causing hurt/grievous hurt by **Dangerous Weapon** (any instrument for shooting, stabbing or cutting) then the assailant may be punished u/s **324 IPC** (imprisonment for 3 yrs, or fine, or both-non bailable offence) or **326 IPC** (imprisonment for life, or for 10 yrs and fine- non bailable). If after police investigation assisted by medical expertise it is found that the dental trauma is not as a result of scuffle but as a result of fabrication of trauma then the fabricators may be punished u/s **182 IPC** (i.e. giving false information with intent to cause public servant to use his lawful power to the injury of another person) with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.⁽¹⁾

The Supreme Court of India (DK Basu vs. state of West Bengal AIR 1997) has instructed that if the arrested person demands, his injuries should be recorded. Every 24 hours a person under arrest shall be medically examined from approved panel. If one goes by the letter and spirit of this instruction, medical examination also includes the examination for dental trauma, because dental torture may not be uncommon in the custody/arrest⁽⁵⁾.

The medico legal examination should be done in collaboration with the team of Forensic Physician/GDMO and Forensic Odontologist. As per the policy of Health Department of Government of India, nowadays every CHC/PHC is having a post of Dental doctor. So even in the far flung areas of India this service can be provided easily

REFERENCES

1. Selaković S, Kvaal S, Nikolić D, Bugarski T, Ninkov P, Knežević M. Forensic dentistry, medical and legal aspects. Novi Sad, Belgrade; Faculty of Law, Službeni glasnik; 2013. (Serbian)
2. Chanana A, Chanana S, Kalra S Dental traumatology-medicolegal aspects I.J.S.N., vol.5 (1) 2014: 177-182.
3. Blain, S. M. (1991) Abuse and neglect as a component of pediatric treatment planning, J. Calif.Dent. Assoc., 19(9), 1991.
4. Chittatosh Mukherjee. Torture from legal view point in the eyes of human rights commission. Journal of Indian medical association, 98(6)327-31, June-2000.
5. <http://www.Unilawbooks.com/bareacts>(accessed on April 01 2011)