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Justice Accessibility in perspective of Juristic Rational Science with Specific Dimension of Medical and Forensic Science

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KEYWORDS

Medical Jurisprudence; Medical Literature, Law and Medical, Human Rights and Medical Science, Forensic Science, Medical Evidence, Medical Reports, Forensic Evidence, Scientific Evidence, Science of Law, Legal Science

ABSTRACT

To get the Justice accessibility, the Medical and Forensic Science are found to function as one of roots of the Juristic Rational Science as the supplement specifically to ensure the justice in the matters of offences as murder, culpable homicide hurt and others to obtain the evidences for reliance and proven or disproven the guilt or innocence of the person. In the offences of the life and personal liberty of human, the satisfactory justice accessibility is not found possible only in the Juristic Rational Science without support of Medical and Forensic Science, this research has inclusions of Justice Accessibility in Juristic Rational Science as to the offences against the human body which are the direct integral part of the life (soul) and personal liberty (whatever is needed for the human body to alive basically and advanced) of human with the coordination of Medical and Forensic Science including Medical Jurisprudence simultaneously.


Introduction

The democratic Rule of Law system is existent in most of the Nations by way of legislative mandate in which law is the instrument to get its highest cherished and nurtured goal of justice with paramountcy and the Justice must be accessed to all without any distinction as the guaranteed human right. To get the Justice accessibility, the Medical and Forensic Science are found to function as one of roots of the Juristic Rational Science as the supplement specifically to ensure the justice in the matters of offences which are

affecting to the human body as murder, culpable homicide hurt and others to obtain the evidences for reliance and proven or disproven the guilt or innocence of the person. The ambit of direct life and personal liberty of human as murder, culpable homicidal deaths, inflicted bodily injuries and others. The Forensic Science which deals with the analysis and practice as to the Deoxyribonucleic Acid (DNA), fingerprints, bloodstains patterns, firearms ballistics, toxicology and others to get the scientific evidence for the fair and satisfactory justice dispensing and accessibility. The Medical

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Science which has inclusions as the systematic, organised, resultant, experimental and practice to care the patients for the management of diagnosis, prognosis, prevention, treatment palliation of injury or diseases in respect of protection, promotion and wellbeing of health. The Science of Medicine evolves the health care practices to maintain and restore the health by preventing and treating of illnesses and others. The Medical Jurisprudence is as one of prominent branches of the Science and Medicine which includes the study and application as to the scientific and medical knowledge for the legal matters to ensure the Justice accessibility in Juristic Rational Science for the maintenance of Law and order. For the Justice accessibility by the Enforcement system, implementing the Juristic Rational Science on the basis of foundational root of evidences specially for the offences against the human body as above scientific evidences and expert witness is mandatory in the procedure the Juristic Rational, Forensic, Biological and Medical Science function simultaneously to deliver the justice.

Analysis on the Justice Accessibility in Juristic Rational Science by the Medical and Forensic Science

Juristic Rational Science by way of the implementation is founded on the evidences which comes from the Medical and Forensic Science in the cases of the direct life and personal liberty of human as murder, culpable homicidal deaths, inflicted bodily injuries, rape, sexual offences and others to get the truth for ensuring the credibility on the produced factual matrix of the case to

verify, the evidences have the foundation pillars and roots of the matter consequently as to the proven or disproven of the case subjecting to the presumptions of facts and laws which also grounded on the evidences under some exceptions. All evidences are subject to the cross examination by the adverse party. All evidences have not the evidentiary value to reach on the rational final judgment in the Juristic Science on record to proven or disproven of the case subject to finality. The evidential material has various kinds as substantial, corroborative, circumstantial, eyewitnesses, dying declaration, confessional statements, statements, scientific as post mortem reports, medical reports regarding externals-as inflicted injuries, marks and others on human body internals as-blood, lung, hypertension, inflammatory infection, high cholesterol, stomach and intestine, pancreas, allergic, diabetes, goiter, hormonal disorder, cardiovascular, rheumatic, kidney, geriatrics or senility problems, adult immunity and vaccines and others. The examination of blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples, strangulation marks, reddish on human body, NARCO analysis, brain mapping, infectious test, Asphyxial, wound, infirmity, abrasion, bruise, laceration, fracture, dislocation, burns, penetration and finger nail clippings using modern and scientific techniques with the inclusion of DNA profiling and other tests or medical and forensic examinations. The veracity of certain cases can only be analysed to identify only with the support of medical and forensic science, without the same,

the justice can not be delivered fairly in the execution of Juristic Rational Science. The medical and forensic sciences provide the scientific evidences as prepared by the expert to verify the truthiness of the matter by excising the human logical and rational brain capacity maximizing very minutely with fullest diligence and consideration to examine and scrutinize the facts in accordance with the Juristic Rational Science to dispense the fair justice for Justice Accessibility to all in the Rule of Law for the welfare of nation and world.

Conclusion, Findings and Suggestions

In a nut shell, it is crystal clear that in certain matters the Justice Accessibility in the Juristic Rational Science by the procedure of implementation as conducted the enforcement system which is guaranteed to protect and preserve the life and personal liberty of human is not found possible without support of medical and forensic sciences to get the truth rationally. The medical and forensic sciences which are found the complement and supplement to the Juristic Rational Science for the fair delivery of justice. The certain matters are disposed of on the basis of the medical and forensic sciences by which evidential facts, documents, testimonials and others receive with the required evidentiary value to rely firmly in respect of proven or disproven accordingly to come on the conviction or acquittal, exploring and questing on the foundational root of truthiness but some exceptions and abuses of the medical and forensic sciences are also existent as to give false evidences, to perjury, to forge the

false scientific reports, to fabricate the evidences, be the false, fabricated, tutored witness and such others as related which are very much serious in nature to abuse and fail the justice and its enforcement system. Everything has pros and cons. Nothing is free from the exceptions, exclusions and disadvantages in this universe. The laboratories for experiments, tests and examinations should be established as per the requirements of the cases or day by day increasing crimes to speed up the justice rationally. The vigilance and surveillance as per laws should also be enhanced more to more to prevent the falsification of scientific reports, witnesses and evidences and the strict execution of laws be brought against the abusers. The greed and hunger of some humans by way of crime and corruption should also be prevented mostly, doing the psychological best endeavours. If any case is detected as to abuse of enforcement system, the such cases should be transferred to the separate enforcement mechanism for the prevention. The separate enforcement mechanism to prevent the abuses of laws, the Juristic Rational Science and its enforcement system to failure of fair justice should be established at the required levels. The human right of life and personal liberty must be protected and preserved by the enforcement system as guaranteed by the laws.

Reference-

1. Chandrappa, Ramesha, Das, D. B. (2021). Environmental Health - Theory and Practice, Introduction to Medical Sciences. *Springer International Publishing, Cham Switzerland*.175-216. https://doi.org/10.1007/978-3-030-64480-2_5
2. Kumar, Ramesh. (2013). Theory of Determination, [Vol. 09, Issue-1]

- Violation and Protection of Human Rights. *Thematic Journal of Law*, 3(1), 20-27.
3. Verma, Raj, K. & Kumar, Ramesh (2014). A Socio Legal Study: Corruption, Black Money and Law in Indian Democracy. *Indian Scholar (An International Multidisciplinary Research e-Journal)*, 1 (1).
 4. Kumar, Ramesh. (2015). A Critical Appraisal and Philosophical Study of Human Rights Law in Perspective of Specific Indian Dimension: As An Introduction. *Jai Maa Saraswati Gyandayini An International Multidisciplinary e Journal*, 1(2),10-31.
 5. Kumar, Ramesh. (2016). A Critical Appraisal of Human Rights Law with Special Reference to Constitution of India. *Legal Research Development (An International Referred e-Journal)*, 1(2), 55-64. <https://doi.org/10.53724/lrd/v1n2.06>
 6. Kumar, Ramesh. (2017). A Critical Appraisal of Law relating to Human Rights with Special Reference to Enforcement System. *Legal Research Development (An International Referred e-Journal)*, 1(3), 63-75. <https://doi.org/10.53724/lrd/v1n3.06>
 7. Kumar, Ramesh. (2017). The Role of Indian Judiciary with respect to Human Rights Law in India: *JMSG (An International Multidisciplinary e- Journal)*, 2(3), 01-09. <https://doi.org/10.53724/jmsg/v2n2.02>
 8. Verma, Raj, K. & Kumar, Ramesh (2017). Role of Para-Legal Services in Administration of Justice: An Empirical Study of Ashok Nagar District. *Legal Research Development (An International Referred e-Journal)*, 2 (1). <https://doi.org/10.53724/lrd/v2n1.02>
 9. Verma, Raj, K. & Kumar, Ramesh (2017). Role of Para-Legal Services in Administration of Justice: An Empirical Study of Gwalior District. *Legal Research Development An International Referred e-Journal*, 1(3), <https://doi.org/10.53724/lrd/v1n4.06>
 10. Verma, Raj, K. & Kumar, Ramesh (2017). A Critical Study of Challenges of Para-Legal Services in India. *Legal Research Development An International Referred e-Journal*, 1 (3). <https://doi.org/10.53724/lrd/v1n3.14>
 11. Kumar, Ramesh. (2018). A Study of Human Rights Jurisprudence: An Overview. *Legal Research Development An International Referred e-Journal*. 2 (3), 55-64. <https://doi.org/10.53724/lrd/v2n3.03>
 12. Kumar, Ramesh. (2019). A Study of Judicial Responses relating to Human Rights in India. *Legal Research Development An International Referred e-Journal*, 4 (1), <https://doi.org/10.53724/lrd/v4n1.06>
 13. Kumar, Ramesh. (2022). Meninism and Preconceived Ideology with specific Indian Dimension of Human Rights in Today's Changing Globalized Scenario: A Critical Appraisal. *Legal Research Development*, 7 (1), 27-29. <https://doi.org/10.53724/lrd/v7n1.10>
 14. Kumar, Ramesh. (2022). State Human Rights Commissions as Enforcement System in India: A Critical Appraisal. *Research Inspiration*, 7 (2),1-17. <https://doi.org/10.53724/inspiration/v7n2.02>
 15. Kumar, Ramesh. (2022). Human Rights of Men in the World of Globalization-An Essence of Time: A Critical Appraisal: *Jai Maa Saraswati Gyandayini An International Multidisciplinary e Journal*, 8(2), 1-6. <https://doi.org/10.53724/jmsg/v8n2.02>

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