



KARNATAKA STATE OBSTETRICS AND GYNECOLOGY ASSOCIATION ETHICS AND MEDICOLEGAL COMMITTEE

MEDICOLEGAL BULLETIN

Week 14:POCSO Act – Medicolegal Responsibilities of Every Obstetrician and Gynecologist

1. REAL LIFE CLINICAL SCENARIO

A 16-year-old unmarried girl presented to the emergency department with 18 weeks of pregnancy. She disclosed that the pregnancy resulted from a consensual relationship with her 19-year-old boyfriend. The pregnancy was medically terminated after appropriate evaluation. However, the hospital failed to inform the police because the treating team believed the relationship was consensual. Several weeks later, the matter reached the Child Welfare Committee. The hospital and treating doctor were questioned regarding failure to comply with mandatory reporting obligations under the Protection of Children from Sexual Offences (POCSO) Act. The clinical care was appropriate. The legal reporting requirement was overlooked.

2. MEDICOLEGAL RISKS IN SUCH CASES

Every gynecologist treating adolescent girls should understand that POCSO is not limited to rape victims.

Common medicolegal pitfalls include:

- Failure to recognize that every sexual act involving a person below 18 years falls under POCSO, irrespective of consent.
- Failure to report suspected offences.
- Delayed reporting to police.
- Inadequate documentation of history.
- Disclosure of confidential information to unauthorized persons.
- Improper collection or preservation of medicolegal evidence.
- Performing procedures without understanding mandatory legal obligations.

Many doctors incorrectly assume that consensual relationships are exempt from reporting. Under POCSO, they are not.

3. WHAT THE LAW EXPECTS

The POCSO Act places specific legal duties upon every registered medical practitioner.

Doctors are expected to:

- Provide immediate medical care without delay.
- Treat the child with dignity and privacy.
- Inform the police or Special Juvenile Police Unit as mandated.
- Document history carefully.
- Preserve medicolegal evidence whenever indicated.
- Avoid unnecessary repeated examinations.
- Maintain confidentiality regarding the child's identity.
- Importantly, treatment should never be delayed while waiting for police formalities.
- Medical care always comes first.

4. DOCUMENTATION – THE DOCTOR'S STRONGEST DEFENSE

Documentation should clearly include:

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| • Exact age of the patient. | Source of age proof if available. |
| • Presenting complaints. | History in the patient's own words as far as possible. |
| • Examination findings. | Pregnancy status. |
| • Ultrasound findings where applicable. | Samples collected. |
| • Time of police intimation. | Names of officers informed. |
| • Counseling provided. | Referral details if applicable. |
| • Documentation should remain factual. | Avoid assumptions or personal opinions |



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5. PRACTICAL SAFE PRACTICE – WHAT TO DO

- Verify age carefully.
- Consider POCSO whenever the patient is below 18 years.
- Inform police as required by law.
- Provide emergency treatment immediately.
- Maintain complete confidentiality.
- Counsel parents appropriately.
- Preserve evidence correctly.
- Document every important event with date and time.
- Good documentation protects both the child and the doctor.

6. COMMON MISTAKES TO AVOID

- Assuming consent removes legal obligations.
- Delaying treatment until police arrive.
- Poor documentation.
- Failure to report.
- Discussing sensitive information publicly.
- Improper evidence handling.
- Not recording time of police intimation.
- Many medicolegal problems arise from misunderstanding the reporting requirement rather than from errors.

7. CLINICAL–LEGAL PEARL

Under POCSO, the doctor's responsibility is treatment, documentation, and mandatory reporting—not determining guilt or innocence.

That responsibility belongs to the investigating agency and the courts

8. REAL COURT CASE INSIGHTS (FOR UNDERSTANDING)

- Indian courts have consistently emphasized that healthcare professionals play a crucial role in protecting children.
- Judicial observations repeatedly stress that:
- Medical treatment must never be delayed.
- Mandatory reporting is a statutory duty.
- Proper documentation carries significant evidentiary value.
- Courts generally protect doctors who provide timely treatment, maintain neutrality, document carefully, and comply with reporting obligations.
- Most legal scrutiny arises when mandatory reporting or documentation requirements are ignored.

9. TAKE-HOME MESSAGE

- Every gynecologist will encounter adolescent patients during practice.
- Understanding the POCSO Act is therefore not optional—it is an essential part of safe medical practice.
- Remember these four principles:
- Treat promptly.
- Document carefully.
- Report when legally required.
- Maintain confidentiality.
- Following these principles protects the child, the doctor, and the integrity of the healthcare system.

Next Week's Topic: PCPNDT Act – Documentation Errors That Lead to Litigation



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