

MEDICO-LEGAL AUTOPSY IN INDIA

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Abstract

The word 'Autopsy' comes from the ancient 'Autopsia' derived from 'Autos' i.e. 'Oneself' and 'Opsis' i.e. 'Seeing for yourself.' In cases of sudden death where a doctor is unable to issue a death certificate or where death is suspected due to an accidental cause, an autopsy is sometimes performed. The definition of a medico-legal autopsy during the investigation of a sudden, suspicious, unnatural death is stated in Sections 174 and 176 of the Code of Criminal Procedure (Cr.P.C.). The purpose of the post-mortem medical legal review is to determine the identity of a corpse, if it is not known; to determine the time before death and the cause of death; and whether the death was natural or involuntary and whether it was homicidal, suicide or accidental, whether it is unnatural. The topic of live birth and viability takes on significance in the case of newborn infants and should be decided. For "autopsy," the word "postmortem examination" is sometimes used as a simile. Essentially, it's not. A postmortem examination means just what it states that after death the body has been examined. It can mean and sometimes means that at a funeral home or in a morgue, the doctor merely looked at the corpse, fully dressed, or that he "viewed" the body. A full autopsy includes opening all the cavities of the body and all the trunk, stomach, and head organs. Here in this review paper we will discuss the meaning, benefit, and cases related to the medico-legal autopsy.

Keywords: *autopsy; death certificate; investigations; medico-legal autopsy; and postmortem.*

I. INTRODUCTION

Autopsy is a concept that comes from the word 'Autopsia,' which comes from 'Autos,' i.e. to see for oneself. Autopsy is performed to decide if the individual's death was normal or abnormal and if it was homicidal, suicide, or accidental, if unnatural. Autopsy is often performed if not identified, to determine the body's identity, time of death, and cause of death. The definition of medical-legal autopsy is discussed in Sections 174 and 176 of the Code of Criminal Procedure, 1973 [1]. The

definition of autopsy and post mortem examination is not the same as it seems to be. The key difference between autopsy and post mortem examination is that the physician merely looks at the corpse in post mortem examination, fully dressed in a funeral home or morgue, while in autopsy it means opening all body cavities and all trunk, chest and head organs. There are two forms of autopsy: (i) forensic autopsy, which is specifically intended to ascertain the cause, mode and manner of death, and (ii) clinical autopsy, which is conducted to determine the causes that actually cause the individual's death. These forms of autopsy are conducted to stop patients' infections and possible deaths [2].

A. Why Autopsy is important?

The primary goal of an autopsy is to figure out the precise cause of a person's death. For example, if a person's death is caused by injuries to the head, then it is important to understand how the head injury happened and for the autopsy to be performed. This will allow us to understand whether it was caused as a result of an accident, murder or suicide, but in most cases as medical evidence it is just one piece of the puzzle in most countries worldwide, and the court relies not only on medical evidence but also on other circumstantial pieces of proof in drawing a decision about the manner of death. Now let's see who is doing the autopsy and what the protocol is.

B. Conduction of Autopsy: -

The autopsy surgeon/forensic pathologist has the right to behave and to find the exact cause of death. Second, to perform a forensic autopsy, the legal heirs or the family of the deceased are given an intimation to perform the autopsy on the dead body. While their consent or permission to carry out the autopsy is not necessary as this may cause irreparable harm to discover the exact truth involved in the person's death [3]. The autopsy surgeon/forensic pathologist has the right to behave and to find the exact cause of death. Second, to perform a forensic autopsy, the legal heirs or the family of the deceased are given an intimation to perform the autopsy on the dead body. While their consent or permission to carry out the autopsy is not necessary as this may cause irreparable harm to discover the exact truth involved in the person's death [4]. The body to be autopsied is handed over by the legal authority to the surgeon/forensic pathologist, who can be the coroner, medical examiner, judge, police or fiscal procurator, and then the body is handed over to the legal authority after autopsy and the legal authority transmits it to the legal heirs of the deceased so that the final rites can be performed. The record of the chain of custody of the dead body is relevant under all circumstances. A registry containing the names of people who are legally allowed to be present during the autopsy should be held. The autopsy should be done in a well-equipped, well ventilated and well-lit autopsy room adjacent to the mortuary, which is considered the safest.

C. Autopsy Procedure

Although forensic autopsy should be performed by a well-trained and certified forensic doctor, but in the absence of such a doctor, the doctor who does not have the necessary expertise or certificate

can perform it, particularly in rural areas, and yet in most developing countries of the world such a thing is not uncommon. The doctor should maintain a fair level of care when performing an autopsy, as a minor error may cause a lot of injustice and have an innocent person punished instead of a criminal. Let us address the procedural aspect now.

While the autopsy protocol varies depending on the scope and intent of the exam. The typical autopsy consists mainly of inspecting the abdomen, cavity, brain and abdominal cavity. The pathologist examines the organs in the chest and abdomen by conducting a 'Y' or 'U' shaped incision that starts at the shoulder and reaches the sternum (breast and bone) and continues vertically to the pubic bone. An incision is made from one ear to another in the back of the skull in the event of a brain test. The autopsy normally starts with a detailed physical examination of the exterior of the body, which specifies the height and weight before any incisions are made [5].

The organs are generally separated from the body for inspection purposes. The organs are then weighed and the tissue is cut to check for any anomalies that are found within the organs. Then, after examining with a naked eye, tiny fragments of the tissue are taken from the organs for microscopic inspection. After the completion of the autopsy, the incisions made inside the body are closed. For training, testing, or medical purposes, the organs are either returned or kept. In certain cases, special laboratory tests on tissue samples may be requested by the pathologist to be carried out during an autopsy, which may include the following:

1. Community or analysis to classify infectious agents including bacteria, viruses, parasites, etc.
2. Chemical metabolic abnormality study.
3. Genetic tests to classify mutations or heritable disorders associated with diseases.
4. Toxicology studies to classify exposures, poisons, or medications.

D. Second Autopsy: -

At times, postmortem re-examination or second autopsy of a dead body can be required before cremation or after exhumation under certain circumstances. Due to numerous objects and modifications arising from the first autopsy, the analysis of the results of a second autopsy, conducted on a previously autopsied corpse, is not a simple task for the autopsy surgeon and is typically requested or ordered under public or political overtones [6].

E. Social benefits of autopsies: -

In addition to contributing to a more comprehensive database of all causes of mortality, the wealth of information gained in the course of postmortem investigations leads to the implementation of steps to avoid or reduce their occurrence. These tests are the product of many safety products in use today, such as seat belts, high back seats with head rests, crash helmets, and so on. Innovations

such as the laminated windscreen, padded dashboard, collapsible steering wheel, anti-burst doors, buried door handles in automotive designs are all based on these studies. In order to construct safer homes, postmortem reviews of victims of burns and other types of home injuries have contributed greatly. A more stable and reliable health care system can be formulated by accurate statistics of disease patterns and deaths. The investigations of crimes that not only help to arrest the perpetrators but can also serve to protect the innocent who have been falsely involved are equally critical [7].

F. Relevant Case law: -

The appellant was tried in *Anant Chintaman Lagu v. State of Bombay*[8], for the murder of one Laxmibai Karve, and the charge held against him was that he administered some unrecognized poison or drug to the said Laxmibai Karve on or about the night between 12 and 13 November 1956, either in Poona or during a railway journey between Poona and Bombay, which would serve as a drug to the said Laxmibai Karve. The *Indian Medical Association vs. V.P.*[9] in the case of The Supreme Court eventually decided on the question of coverage of the medical profession within the framework of the Consumer Protection Act, 1986, *Shanta and Ors., III* (1995) CPJ 1 (SC), so that all doubt on the subject was eliminated. With this epoch-making decision, physicians and hospitals became aware of the fact that all patients are customers as long as they have paid patients, even though care is delivered free of charge. It can be recalled in this context that, in the case of the *State of Haryana and Ors v. Smt. Santra*[10], (2000) CPJ 53 (SC) (by S. Saghir Ahmad and D.P.Wadhwa, JJ.), in a Special Leave Petition, the Supreme Court upheld the demand for compensation where it was considered that incomplete sterilization (family planning operation) was deficient in service. A family planning procedure linked only to the right fallopian tube was performed at Smt. Santra and the left fallopian tube was not touched, suggesting that no full sterilization operation was performed. Despite a sterilization operation that had obviously failed, a poor labourer mother, who already had many children and had opted for sterilization, became pregnant and eventually gave birth to a female kid.

II. CONCLUSION

Although the implementation of sections 174 and 176 of the 1973 Code of Criminal Procedure rendered autopsy compulsory in the event of a person's accidental death to ascertain the exact cause of death of the person to whom it was effective, but in few cases because of the intervention of some prominent individuals whose interests conflict with it and Medico-legal autopsy has often been very complex and challenging due to the disparity in public opinion when fact is buried in the hands of power in those instances. In certain cases, the cause of death cannot be determined, despite a detailed post-mortem examination, chemical analysis and microscopic examination. It is only under such cases that the medical officer is justified in reporting that the cause of death is undetermined and that the manner of death is undetermined as well. Depending on the circumstantial facts, the investigating officer can also continue with the case, if he wishes. The

Autopsy Procedure is a critical and most important record of the cause of death and/or unnatural termination of life and, thus, when making the Autopsy Report, the greatest and least care should be taken.

III. REFERENCES

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