

# Analytical Study of Exhumations and its Medico-Legal Importance

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## ABSTRACT

**Introduction:** Bringing out of ground to bring the facts in to light is the main objective of Exhumations. Due to litigancy, breach of trust, unfaith, jealous and other reasons and also enhanced awareness of people about provisions of law to safeguard the rights of people in the interest of justice, there is rise in demand for exhumations not only to find out the actual cause and manner of death but also to confirm the identity of the deceased.

**Material and methods:** Study of 18 cases was done in the department of Forensic Medicine, Osmania Medical College, Hyderabad, for a period of three years.

**Results:** Authorities with judicial or quasi judicial powers are the competent to carry out this task with assistance of medical experts to solve the many medico legal questions that rose in the course of investigation.

**Conclusions:** Many scientific and justifiable conclusions are made to aid in the administration of justice.

**Keywords:** Exhumation, executive magistrate, decomposition, cause of death.

## INTRODUCTION

The term exhumation means, ex - Out of, Humus – ground, Exhume -To bring in to light, especially after a period of obscurity or Burial.<sup>1</sup> It is a medico legal, disinterment or digging out of a buried body.

The corporal exhumation exists from the advent of mankind on this earth but the utility has changed with the passage of time and civilization. There are instances where buried dead bodies were dug up for research, cannibalism, resurrection, rituals etc.

In the present context the retrieval of dead is carried out for different purposes by different agencies like rescue missions, archeological teams, law enforcement agencies, Anthropologists etc.<sup>2</sup> Agencies vested with judicial or quasi judicial powers are the competent authorities to carry out such task. If an individual died under suspicious circumstances and buried, a legitimate investigating agency (police) may exhume the body to determine the cause of death.

However, Law of land also protects a body interred in 'consecrated' ground, and permission must also be sought from the competent authorities before any exhumation can be considered. All the exhumed cases are dealt with under section 176 Cr.P.C. i.e., Executive Magistrate has to conduct inquest.<sup>3</sup>

## Aims and objectives

The increasing awareness of general public about tort in general and element of legality in particular, the incidences of Exhumations of deceased bodies are on rise. There is no time limit for doing exhumations. Exhumation should be done in broad daylight by a competent authority.

## The aims and objectives of present study were

- To make a comprehensive analysis of the exhumation deaths with special reference to:
  - Condition of the body at the time of Exhumation with relation to the state of ground, weather and the manner of death?
  - Time taken for the Exhumation from the Occurrence of death making a Medico legal problem.
  - Whether any injuries other than bone injuries were noticed and also how far the Histopathology was useful?
  - How far Exhumations were useful in the administration of Justice?
- Are there any other special laboratory investigations which can be made to utilize routinely for the main aim of Exhumations, like identity and cause of death.
- To suggest other methodologies and modalities for adoption under special circumstances.
- To know the pitfalls, limitations, lacunae encountered which are subjective as well as objective in nature.
- Accurately decide the identity, cause of death and manner of death, because majority of the cases are done by an expert.
- Reasons to do exhumations are to establish identity, to determine cause, manner and time since death and to collect material evidence.

## MATERIAL AND METHODS

For the present study we have collected the case reports of exhumations carried out by department of Forensic Medicine, Osmania Medical College, Hyderabad during the period July 2004 – May 2007.

A standard prescribed protocol is followed. After receipt of Exhumation order from competent authority i.e., Executive Magistrate, in the presence of Executive Magistrate, Police Investigating Officer of the Jurisdiction and Medical Officer conducting medico legal autopsy, exhumations were conducted. After bringing out of the body from the grave, confirming its identity in known cases by near relatives. Then only the autopsy procedure was initiated to fulfill the current study objectives.

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A total number of 18 cases were done and in more than 10 cases we have attended personally, taken the photographs, noted the findings, interacted with various sections of the people, got acquainted with topography, field conditions, management skills needed apart from the display of professional and scientific work.

We have compiled all the data acquired from inquest reports, field observations, postmortem examination reports, photographs, and lab reports are incorporated in tables and charts which were enclosed at the end and all components are discussed and conclusions are made subsequently.

**RESULTS**

The autopsies on exhumed bodies are performed for medico legal purposes in criminal cases such as homicide, suspected homicides, suspicious cases of poisoning, deaths resulted due to criminal abortions, malpractice or negligence. Apart from it civil cases like accidental death claims, double indemnity insurance, workmen’s compensation claims, liability for malpractice, negligence, torts, survival ship, inheriting claims to determine the cause of death. Even though the scope of exhumations stretches from crime to compensation, in reality its application is negligible and instances of misuse are more common.

In the present study a total number of 18 exhumations carried out by department of Forensic Medicine, Osmania Medical College, Hyderabad from June 2004 – May 2007, with yearly break up of 3 cases in the year 2004-05, 9 cases in the year 2005-06, 6 cases in the year of 2006-07.

A close observation and study of these cases has unveiled interesting results in relation to demography, sociology and psychology apart from forensic aspects.

The results of the study are as follows:-

1. The exhumations were more conducted in the summer months.
2. Though the two thirds are filed under 174 CrPC/ 176 CrPC, one third cases are either suspected homicide or homicide and buried.
3. Male sex is showing some predominance than over female.
4. Homicides are more among female gender than the male.
5. Nearly two thirds of exhumations were carried out within month of burial.
6. Nearly three quarters of cases were in the state of putrefaction.
7. In one third of study cases, soft tissue injuries were made out and skeletal injuries also present in 11% of cases.

**DISCUSSION**

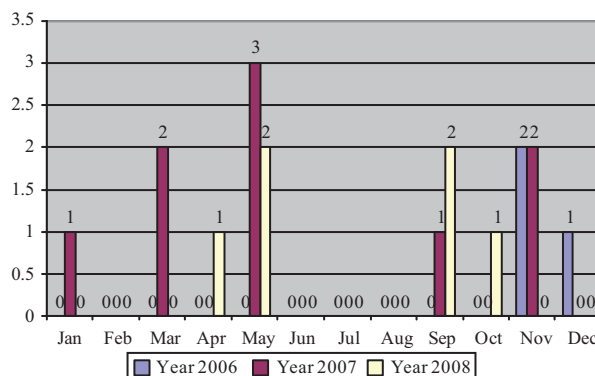
Perusal of Figure-1 shows the number of exhumations carried out during this period, month and year wise. More exhumations are during May and November months.

On Perusal of Table No. 1 it is evident that out of 18 cases about 61% i.e., 11 cases showed were dealt under section 174/ 176 CrPC and one third 6 cases were dealt under u/s. 302 IPC, followed by one case S.304 IPC. Homicides and suspected homicides are dominating allegations. It is also

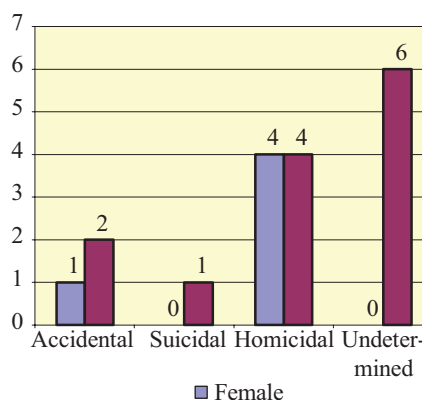
observed that, 17 cases out of 18 cases (94.4%) the police proceeded with exhumation after establishment of identity of the deceased and identification of dead bodies at the time of exhumation is only formal. Table - 2 shows that males predominate over female sex and in number at all age groups.

On perusal of Figure - 2, with reference to manner of death, homicides are more in females and in one third cases (all males) the manner was not established.

While doing the study the following results also studied which are not mentioned in the table or chart forms are that it is evident that 61.11% of cases exhumation was carried out



**Figure-1:** Month and year wise distribution of exhumations in the years 2004 – 2006.



**Figure-2:** showing sex wise distribution of exhumed bodies in relation to manner of death. Graphic presentation of sex and manner of death

Nature of Inquest	No. of Cases
174 / 176 Cr. P.C.	11
302 IPC	6
304 PIC	1
Total	18

**Table-1:** Showing nature of inquest

Age in years	No of cases (18)	
	Male	Females
< 20yrs	1	0
20 – 40 yrs	10	4
40 – 60yrs	2	1
> 60yrs	0	0
Total	13	5

**Table-2:** Table showing age and sex wise distribution of the deceased

within 1 month from the date of burial. In another 27.77% of cases the exhumations are carried out between 1 to 6 months after burial, the two cases remaining is exhumed (11.11%) after more than 6 months. Even though there is no time limitation period to carry out such procedures all the requests for the exhumations are made within a few days or few months after death, as these complaints are mostly concerned with the criminality rather than the civilian in nature. In majority cases (>70%) burials are lawful.<sup>4</sup>

It is also evident that 72.22% of the bodies are in a state of putrefaction followed by skeletonization (16.66%). In the rest of the cases (11.11%) different combinations of post-mortem changes are seen like putrefaction, mummification, adipoceros and partial skeletonization. The commonest change observed is the putrefaction which aids in the time estimation since death.<sup>5</sup>

With regard to soft tissue injuries, all types of injuries irrespective of nature of force are recognized wherever morphology is present, even though the tissues are in a state of decomposition. In the present study the soft tissue injuries are recognized in the bodies of up to two-month-old burial. Out of 18 cases irrespective of nature of complaint in 6 cases (33.33%) soft tissue injuries are recognizable. Out of 18 cases, in 3 cases (16.66%) shows skeletonization Out of the 18 cases in 2 cases (11.11%) the soft tissue injuries are associated with underlying skeletal injuries. All blunt and cutting force injuries are made out and they are present overhead and neck. In case of trunk only contusions and abrasions are evident particularly in the chest wall in 3 cases and in 2 cases injuries over extremities are recognized, with six cases in combination with soft tissue injuries over head and neck also. This clearly shows that head and neck is the major contributor for recognizable soft tissue injuries.<sup>6</sup> This does not indicate that injuries are absent on the other part of the body. As the soft tissue injuries overhead and neck retain their morphology for longer periods compared to other parts of the body. During putrefaction the possibility of the recognition of soft tissue injuries like abrasions, contusions and burns is relatively less.<sup>7</sup>

### Suggestions

From the observations and discussions the following suggestions were made out:

Even though the exhumations are of prime interest in regular medico legal work, but their static position changing year after year reflects the legal awareness in the people, increasing availability of medico legal services in private and corporate hospitals and exchange of the information between various agencies affecting the disposal of the dead.

1. Like other maladies associated with urbanization, increasing incidence of exhumations are also a static example secondary to lack of human touch and relationships, increasing criminal attitude and enhanced litigancy.<sup>7</sup>
2. Associated penal sections at the time of registration of complaints apart from 174/ 176 Cr. P.C. clearly shows that the police are making some ground work before actual exhumation, there by asking the medical officer

conducting the exhumation to fill up the gaps of the puzzle in a challenging situation.<sup>8</sup>

3. The problem of identity is less marked even in skeletonized bodies unless contested by the complainants. Even when contested application of advanced techniques like DNA profile aids in clearing the issue.
4. The male sex is on slight preponderance over female sex subjected to exhumation.<sup>9</sup>
5. The high incidence of complaint and request for exhumation are seen from low socio economic group as they are attached to least importance about the sacrilege and sanctity of death and easily carried away by whims and fancies of other people.
6. In majority of exhumations the decedents belongs to middle age group and married who are more vulnerable to sex, stress, strain, violence, frustrations, and failures. Hence the majority of allegations of exhumation are homicidal violence.<sup>10</sup>
7. Exhumations carried out at remote places are usually secret disposals and outcome will be violent death of homicidal intention. This is contrast to exhumations in notified areas (regular Graveyards) where the outcome will be either suicide or accident.<sup>11</sup>
8. The dead bodies found buried at shallow depths i.e. 1 to 2 feet below the ground level usually indicate hurried disposal in secrecy by the perpetrator to conceal the crime.
9. Legal heirs or the relatives of the deceased usually carry out the burial in notified graveyards. In majority of the cases where deaths are due to diseases, suicides or accidents. The complaints for exhumation are due to mistrusts, and unsettled issues among the family members.
10. As the dead bodies are beyond recognition, non-corporal evidence like clothing and corporal abnormalities play an important role in the establishment of identity and sex.<sup>12</sup>

And from the forensic pathologist point of view an exhumation was nothing, but a case for establishment of identity and cause of death. But the actual challenge lies beyond this if the corporal evidence is studied in a proper prospective to prove or disprove a matter in question by including the services of Forensic Science experts.

### CONCLUSION

In the present study a total number of 18 cases of exhumations were done at department of the Forensic Medicine, Osmania medical college, Hyderabad during the period 2004-2006. The study of 18 cases in a short span of three years is note worthy taking into consideration of rarity of these cases in regular medico legal work. The study of these cases from registration to reburial has yielded a lot of information from medico legal point of view, as the analytical findings are actual proofs rather than analytical presumptions.

After the research work on these exhumations a proforma for exhumation is prepared for the benefit of medico legal experts which aid them to draft the all the relevant information to achieve the objectives of exhumation.

## PROFORMA FOR EXHUMATION

1. Exhumation File No. and Date:
2. Crime No. and Date:
3. Police Station and Dist.:
4. Name of the Complainant and Relation to Deceased:
5. Nature of the Complaint:
6. Requisition Given By: (Executive Magistrate)
7. Weather First Postmortem done, if done its details:
8. Date of Death:
9. Date of Burial:

### Deceased particulars:

10. Name: Sex: Age:
11. Religion:
12. Social Status:
13. Marital Status:
14. Occupation:
15. Date of Exhumation: and time:
16. Location of the Grave:
17. Type of Grave (Pukka / Earthen / bugili)
18. Nature of Soil with in the Grave:
19. Measurements of Grave:
20. Weather Coffin was Present or Not:
21. Position of Body with in Grave:
22. Direction of the Head inside the grave:
23. Article / Material Evidence:
24. Description of Coverings of the Cadaver:
25. Person who identified the Grave and Cadaver:
26. Description of the Cadaver (Postmortem Changes / Positive Findings)
27. Artifacts:
28. Time of Completion of Postmortem Examination:
29. Specimens preserved for Chemical Analysis (Viscera / Bone / Hair / Nails / Soil / Pieces of coffin)
30. Specimen collected for further Examination other than above:
31. Cause of Death:
32. Time since Death:
33. Accessory Reports:
34. Final Opinion:

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