NEED OR GREED: NIGHT POSTMORTEM

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ABSTRACT

There is a raging debate for quite some time amongst the medico-legal fraternity in India as to whether to conduct medico-legal autopsies at night or not? Some argue in favour others against the issue. An impassionate view is put forth in the following lines.

MATERIALS AND METHODS

Literature available on the subject, personally facing problems, practical experiences, public fear at night panchanama.

KEYWORDS

Night Postmortem a Need or Greed, Nocturnal Animal, Night Duties Allowance, Night Fatigue (Jet), Night Cremation.

INTRODUCTION

The genesis: The system of criminal justice as practiced today is the legacy inherited from our colonial British masters. The IPC, CrPC, lEA came into force in 1860/61 and 72 respectively and the stakeholders are the Home Department (Police), the Law Department (Judiciary) and Health or Medical Department. Seventh medico-legal autopsies are carried out earlier. It appears the regular postmortems started only after this period. From the days of Dr. Jaisingh Modi, to date (>100 years) generations of doctors have been taught that the postmortem examination should be conducted only in daylight. If at all postmortems has to be done at night, then the permission of the DM/DC is mandatory.

This rule was uniformly followed through British India prior to independence. The status quo continued after independence also for a long time. Only recently some state governments have allowed conditional nocturnal postmortems. Perhaps, the British prescribed daytime postmortem examination as a matter of routine to overcome the non-availability of electricity in those days. Further, the PM was declared as a priority activity, not an emergency activity.

DISCUSSION

Factors against Postmortem Examination at Night

1. Physical and Physiological: Man is not a nocturnal animal. He has no night vision like animals naturally to work in a night. It becomes difficult for him to work routinely at night. For millions of years, man has worked during daytime only. By nightfall, fatigue overcomes with reduced energy levels and diminished concentration for which the night postmortem does not give any advantage. So, it requires additional staff for conducting PM examinations. Whatever the quality and quantity of artificial lighting, it will not equal daytime lighting. Some conditions like PM lividity, jaundice, millets, pallets, concealed injuries, sclerosis, and electric entry injuries are difficult to find out at artificial lighting. So, errors are likely to creep in at night postmortems resulting in miss carriage of justice.

2. Socio-Religious Causes: India is now a democratic country and we have to honour the sentiments of the people. Some communities in India for aesthetic reasons feel that conducting a postmortem examination at night amounts to desecration of the dead body. In fact, dead require utmost respect from the living and in some communities night cremation is forbidden. Under such circumstances, if the body is handed over to the relatives it will cause lot of misery to them. Also, observed is the fact that most of the relatives of the deceased persons with the dead drink as a matter of habit, custom or to forget the loss or to lessen the fear, and stench of the dead body. Such a group of individuals might create law and order problems for the police and for the PM staff. Sometimes, the staff may be assaulted.

3. Technical Causes: PM work is a teamwork requiring the attendance of LT’s, radiographers, assistants, and sweepers. If a PM is done at night, a day-off is a must for the staff with night duty incentives. Infections are more prone at night climates. Therefore, night postmortem does not give any advantage. So, it requires additional staff for conducting PM examinations. Whatever the quality and quantity of artificial lighting, it will not equal daytime lighting. Some conditions like PM lividity, jaundice, millets, pallets, concealed injuries, arthrosisclerosis, and electric entry injuries are difficult to find out at artificial lighting. So, errors are likely to creep in at night postmortems resulting in miss carriage of justice.2,3

4. Unsocial Activities: Murky deals and ghastly crimes take place in the darkness and eerie silence of night. So, the PM examination if conducted in night gives way to suspicion.

CONCLUSION

After above discussions, it is amply clear that night postmortems should be the last resort in unusual conditions only and the prerogative should be with the District or Sub-District Magistrate to issue necessary permission for conducting night postmortem examination. Otherwise, chances of obscure autopsy going by rules, night postmortem reports should not be valid.

"WHEN IN DOUBT, DO NOT RISK IT!"/Postmortem Rules need to be updated: Law does not permit conduct of postmortem during nights. Forensic experts, however, feel that the norms needs to be changed, writes Marri Ramu.
Is conduct of postmortem during evenings or nights officially permitted? There is confusion over the issue.

As per the norms, conduct of postmortem during night is not permitted. A people's representative in the past appealed to the government to extend the hours of conducting autopsy beyond evening in the larger interest of people. It helps deal with emergency cases and ease the burden on the relatives of the victims who come from distant places to Osmania and Gandhi Hospitals.

The then Medical and Health Minister, S. Aruna turned down the proposal stating that there was no such provision in the medical code. But, it is interesting to note that forensic doctors conduct postmortem in the evenings on some occasions.

Postmortem was conducted on the body of a sub-inspector, Saidulu, who was killed in a landmine blast in 2001 during night at the Osmania General Hospital.4

In another case, doctors performed autopsy on the body of an electric shop owner, Osman, in the night four months ago at the OGH. Going by the rules, the postmortem reports in these cases should not be valid.

Forensic doctors explained that the rules were framed long ago when the facility of bright lamps was not available. In the absence of electricity, it was thought that the body could be examined in detail only under sunlight. Hence, the rule of conducting autopsy before sunset was framed.

However, the availability of fluorescent lamps makes it possible to examine a dead body during nights with equal accuracy and precision. But, the rules remained unaltered. A forensic doctor observed that there was no scientific justification in the ban on conducting postmortem during nights. Depending on the merits of the case and special requisition from the police, the doctors conduct postmortem in the evenings now and then.

Though it is convenient both for the police and the victims' relatives to perform autopsy on the body beyond the regular working hours, the law in this regard needs to be changed first. This should be supplemented by providing adequate infrastructure like lighting, technical staff, and number of forensic experts.5

It is said that officials in the State are still following the Madras Medical Code as the Andhra Pradesh Medical Code was yet to receive the assent from the authorities concerned. Changes can be introduced in the code by making provisions for conducting postmortem during nights in exceptional cases.

There is every possibility of misusing the provision if the conduct of autopsy round-the-docks allowed without proper regulating mechanism. "WHEN IN DOUBT, DO NOT RISK IT!"

REFERENCES
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