

## Review Research Paper

# Second Autopsy: The Indian Scenario

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### Abstract

A Medico-legal autopsy is conducted to ascertain the cause of death, time of death, identification of the deceased, etc. in unnatural and/or suspicious deaths. However, the very purpose for which an autopsy is conducted may either not be served or appear to be poorly served in many a cases. In such times, another autopsy is requested and conducted on an already autopsied body commonly known as second autopsy. Rules are still unclear & varying for medico legal autopsy at different places resulting in unwarranted issues. This has resulted in a surge seen in cases of second autopsy or re-postmortem examination. With no rules governing the conduct of even a second autopsy and the sorry state of medico-legal autopsies as such in India, a lot of issues, wanted and unwanted, creep up while conduct of a second autopsy.

An effort is made to draw attention towards the issues associated with the conduct of a second autopsy in India and few suggestions proposed to overcome those difficulties.

**Key Words:** Medicolegal, Second autopsy, Re-post-mortem examination

### Introduction:

A medico-legal autopsy is conducted to ascertain the cause of death, time of death, identification of the deceased, etc. in unnatural and/or suspicious deaths. However, the very purpose for which an autopsy is conducted may either not be served or appear to be poorly served in many a cases. In such times, another autopsy is requested and conducted on an already autopsied body. For sake of convenience of understanding, this may be labeled as a re-postmortem examination or a second autopsy. There are certain conditions that are confused as second autopsy but do not come under the ambit of second autopsy. They include request by an autopsy surgeon for assistance from another surgeon, psychological autopsies and expressing of opinion from the photographs, radiographs, records of the autopsy. Even exhumation per se does not include a second autopsy.

In recent years, there has been an upsurge in demand for a second autopsy. It may not always dispel the doubts arising in the mind of the person making a request for the same and may not serve the purpose it is intended to serve. In fact, sometimes, it may actually create more confusion than help; for e.g. the sensational Tandoor murder case of New Delhi [1995], where two autopsies conducted on the same body showed two different causes of death (burns and firearm injuries) and the Scarlett Keeling Case of Goa [2008], where the two autopsies concluded with two entirely different causes and manners of death (drowning and homicide following rape.)

This perplexity arises mostly because of first autopsy being incomplete. Also second autopsy may sometimes be erroneous as many artifacts get introduced during the first autopsy. The body may have been cremated, buried, coffined or embalmed after the first autopsy thereby adding many other unsuspected artifacts that create confusion in diagnosis. Also, some poisons get destroyed with passage of time and are not detectable from the samples collected during the second autopsy. [1]

Barring a few disadvantages, there are some advantages too in performing a second autopsy. It helps to clear the doubts arising in the minds of the relatives who are not satisfied with the report of the first autopsy when the cause of death remains unchanged even after second examination. In cases of first autopsy being incomplete, a subsequent meticulous

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autopsy may demonstrate the findings that lead to the real cause of death.

Wherever the identity of the deceased is in question and the second autopsy is being conducted for establishing the same, some excellent material can be obtained from the second autopsy like the hairs, teeth, personal effects, etc. in addition to finding of deformities, implants, dentures, etc.

### **Scenario:**

In India, second autopsy is most commonly requested by relatives who are not satisfied with the findings of the first autopsy. In some instances, the request for a second autopsy is being made by the investigating agencies for expert opinion concerning the first autopsy wherein some questions have been left unanswered or some issues unattended. Also when there is a suspicion that the doctor conducting the first postmortem has some interest in concealing the facts/not bringing out the facts of the examination, a second autopsy is requested. In cases where involvement of the police is suspected in concealing facts, the request for a second autopsy is being asked after the body has been shifted out of the jurisdictional area of the investigating authority where the first autopsy has been conducted.

Most of the medico-legal autopsies in India are done at primary and secondary health centers by medical officers having the basic MBBS qualification. They do not have adequate hands-on training in autopsy techniques. The situation is worsened by unavailability of adequate basic facilities for conduct of an autopsy. Many primary health centers do not even have a designated room for conducting autopsies, and the body is usually examined on the stretcher itself in a corner vacated for this purpose. Autopsies conducted in such situations are bound to be incomplete and inaccurate and is the first thing that strikes at a second autopsy. All the body cavities are not opened leave alone examined. Therefore, at second autopsy, almost always the first autopsy surgeon finds himself at receiving end, as all the fingers point towards him for conducting an unsatisfactory examination.

Moreover, there have been instances where a second examination has been done at the same centre where first examination was done. This leads to persistence of doubt in the minds of the requesting party regarding veracity of the second autopsy.

There are no set guidelines all over the country as to the jurisdictional limits where a body can be sent for re-examination. Some

states have clear jurisdiction still it is open to the next of kin where he wants a second autopsy to be conducted. Procedural delays are common and with lack of storage facilities, improper transportation and high temperatures, most of the bodies start getting decomposed and organs autolyzed, making it difficult to get a correct opinion at second autopsy. [2]

In India, it is a frequent habit to send whole organs for examination especially for histopathology. In such cases, no opinion can be afforded in respect of such "missing" organs [Recent classical case at Goa of the British teenager, Scarlett Keeling whose body when re-examined (third examination) in the UK was found to have some organs missing]. On some occasions, organs/tissues are being retained as teaching material for academic purposes without appropriate consent/information. [3] Such organ or tissue usually is, or could be the one with the most significant findings of the case. Opinion of the doctor conducting the second autopsy is hence, based only the material made available to him for review and may not always be the correct or complete opinion.

In India, the commonest mode of disposal of dead body is by cremation. When doubts arise thereon, only ashes available are sometimes sent for expert opinion by requesting a second autopsy.

Another recent trend has been seen where the party requesting for a second autopsy wants one of its representative to be present during the conduct of second autopsy. In India, usually no outsider is allowed to witness any medico-legal autopsy, though there are no written rules for the same. As a result, many a times, during the second autopsy, an outsider is being allowed to be present in the autopsy room, which is an unwanted and unhealthy practice.

### **Suggestions:**

Basic facilities for conduct of an autopsy like autopsy block, instruments and refrigeration facilities should be provided to all the PHCs along with basic hands-on training for all doctors who are supposed to conduct autopsy, so that the first autopsy will be complete and informative.

General guidelines need to be framed, followed all over the country, as to which cases can be subjected for second autopsy. Only executive magistrates should be empowered to order a second autopsy. In no case should the police be allowed to take a decision regarding the conduction of a second autopsy. What may start as a "one-off case" may become precedence and not before long would become

a routine? Only a magistrate can remove the element of arbitrariness in deciding what cases need a second examination on merits of each case. This shall reduce the number of unnecessary second autopsies. Also the absence of guidelines regarding the referral centre to which an autopsied body is to be taken for re-examination, can raise allegations of arbitrariness and can result in unnecessary demand for a third examination. Hence, jurisdictional limits should be formulated so that one is clear where to go for a second autopsy. This shall help in reducing procedural delays and also help in preventing the bodies/ organs from getting decomposed.

Minimum requirements for conduct of a second autopsy should be laid down with respect to requisition letter, availability of first autopsy report etc. Second autopsy should not be allowed to be conducted at the same centre where the first autopsy was conducted. Moreover, at another centre, the doctor conducting the second autopsy must preferably be a person of the rank of Professor of Forensic Medicine of a Government Medical College. It would be best if a panel of doctors is formed, that includes a surgeon/ gynaecologist/ pathologist etc., depending upon the case.

The usual practice of sending the whole organs for histopathology or chemical analysis or microbiological examination should be dropped/ discouraged. Instead, only those parts that are required for further examination should be removed and accordingly documented too. Also for teaching purpose, pathological specimens should be collected only after getting consent from the police and relatives, which should be properly recorded.

With regards to availability of material after cremation, nothing much can be done on this issue. Only if the body is buried, a second autopsy can provide some useful information.

As in all autopsies, no third party should be allowed to be present during the conduction of the second autopsy. Instead, as is a routine with custodial deaths in India (as per the recommendation of the National Human Rights Commission), videography of the second autopsy may be allowed to remove suspicion and to keep a permanent record that itself would avoid future re-examinations. Routine videography of all autopsies would be a financial burden on the state with minimal benefit (keeping in view the number of second autopsies in comparison to the total number of autopsies conducted) and hence cannot be recommended as a remedy to prevent incidences of second autopsies.

### **Conclusion:**

The rules for conduct of an autopsy are clearly laid down in Indian law. But there is no mention of any specific rule that govern a second autopsy. With so many issues raising a question mark regarding usefulness of a second autopsy, its time that guideline be framed and followed. In the absence of such rules, the natural inference is that the rules that apply for a first autopsy also apply for the second one.

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