

EXHUMATION —A KEY TO PROVIDE JUSTICE TO VICTIMS OF HOMICIDE: SITUATION IN LARKANA AND SUKKUR DIVISIONS

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Background: Foul play in cases of hurt and homicide is an established fact. People on basis of enmity falsely charge their enemies; this practice is carried out globally. The purpose of present study was to know the situation in the study area and also to know the risk factors which make hindrance in providing justice in exhumed cases. **Methods:** The present study was conducted over a period of 3 and half years from Jul 2006 to Dec 2009. During the said period total 21 exhumations were carried out in Sukkur and Larkana Divisions by the team of Chandka Medical College, Larkana. Cases were studied in Forensic Medicine Department of Chandka Medical College, Larkana. Out of 21 cases, only 9 cases were positive (autopsy). In rest of 12 cases, autopsy reports remained undetermined due to advanced decomposition/putrefaction of corpses. **Results:** During the study period, total 21 exhumations (autopsies) were carried out in different districts of Larkana and Sukkur divisions. There were 17 male cases and 4 female cases. Cases were divided in to 4 groups on age basis. Group-1 from 0–5 years, Group-2 from 16–30 years, Group-3 from 31–45 years, Group-4 from 46–65 years. The maximum number of cases fall in group-2 which are 15 (71.42%) and minimum in group-1 which is 1 (4.76%). Out of 21 cases, only in 9 cases cause of death was ascertained and majority of these were firearm injuries (5, 55.55%), two (22.22%) cases of drowning, one (11.11%) strangulation and one blunt trauma. The success rate remained 42.85%. Nineteen cases were of primary autopsy (First time) on exhumation and 2 cases were secondary (re-examination). **Conclusion:** The success rate in challenge cases depends mostly on the duration of exhumation and soil of cemetery. If a foul play is suspected then there should be no unnecessary delay in conduction of exhumation. If exhumation is carried out within days after burial, 90% results can be achieved.

Keywords: Exhumation, Justice, Victims, Homicide

INTRODUCTION

Exhumation is a Latin word ‘from the ground’ which means in its simplest form, the removal of human remains, including cremated remains from any place of burial. In most of the religion of the world, where human remains are buried, the general rule is that once the body or remains have been entered or cremated to the ground, whether in a coffin or in the case of cremated remains in a container or poured in to the ground from a container, should there be any cause to require an examination, removal or disturbance of the remains an exhumation license or order will be required.¹

Exhumation is done with some definite objectives under the order of appropriate authority:²

- Identification, i.e., confirming the individuality for any criminal or civil purpose arising after the burial.
- Cause of death: when any foul play is suspected, exhumation may be ordered depending upon the public demand or request by the relatives, to determine the cause of death.
- Second autopsy: when the first autopsy report is being challenged or is ambiguous. This may involve any criminal or civil issue.

Since the exhumation of deceased body or human remains can be a very emotive and sensitive issue, particularly for the relatives and friends of the

deceased, it is necessary to act lawfully to ensure the health and safety of those involved in carrying out the exhumation and to control public health issues.¹ In our country exhumation is carried out mostly for the purpose of establishing cause of death when any foul play is suspected and the relatives request for exhumation. They apply to DCO or Sessions Judge through local police. Then with the permission of authority a medical board is constituted who in the presence of a magistrate and police squad carries exhumation process. It is illegal and immoral to disturb human remains without lawful authority.³ This applies to both bodies and cremated remains buried beneath ground level. The next-of-kin of the deceased should normally make application to the relevantly legal authority for exhumation.

Exhumation consists of following steps:⁴

- General precautions
- Identification of the grave, opening it, collection of sample of earth
- Identification of the coffin and collection of samples
- Identification of body by magistrate or coroner
- Autopsy

Success regarding finding cause of death depends upon condition of corpse at the time of exhumation. Concomitant with the statement of Nasib R. Awan in his book, cause of death lay in the

vital organs or systems composed of soft tissues and rate of success depends upon the condition of the corpse, a thorough search is required. Results of exhumation depends on duration of the time laps since death, when a soft tissue have been affected adversely by advance decomposition, no definite opinion about the cause of the injury and whether it is ante mortem or otherwise can be expressed with certainty.⁵ In UK, even the private parties are doing the task of exhumation, the government machinery provides license only.⁶ In Europe in some part of the world, exhumation services are carried out not only for forensic purposes as in our country but also for changing of graves, movements from overseas, from burial to cremation. In murder cases, after rape DNA of semen can be helpful in identification of assailant, if bodies are exhumed and culprit can be apprehended.⁷ A body can be exhumed after hundred years of burial for DNA testing to prove paternity.⁸

MATERIAL AND METHODS

The present study was conducted over a period of 3 and half years from Jul 2006 to Dec 2009. During the said period total 21 exhumations were carried out in Sukkur and Larkana Divisions by the team of Chandka Medical College, Larkana. Cases were studied thoroughly in Forensic Medicine Department of Chandka Medical College, Larkana. Out of 21 cases, only 9 cases were positive (autopsy). In rest of 12 cases, autopsy reports remained undetermined due to advanced decomposition/putrefaction of corpses.

RESULTS

During the study period, total 21 exhumations were carried out in different districts of Larkana and Sukkur Divisions. There were 17 male cases and 4 female cases. They were divided in to four groups on age basis. Group-1 from 0–15 years, Group-2 from 16–30 years, Group 3 from 31–45 years and Group-4 from 46–65 years.

Table-1: Demographic data of exhumed bodies (n=21)

Age Groups (Yrs)	No. of Cases	Percentage
1-15	1	4.76
16-30	15	71.42
31-45	3	14.28
46-65	2	9.52

Majority of challenged homicides cases were of young males or females which show enmity basis of homicides. Out of 21 cases only in 9 cases cause of death was established, and majority of these were firearm injuries 5 cases (55.56%), 2 (22.22%) cases of drowning, 1 (11.11%) strangulation and 1 (11.11%) blunt trauma. Out of 21 exhumation, 19 cases were of primary autopsy, and 2 cases were of secondary autopsy.

Table-2: Mode of death in positive autopsy Exhumation cases (n=9)

Mode of death	No. of Cases	Percentage
Firearm injuries	5	55.56
Drowning	2	22.22
Blunt Trauma	1	11.11
Strangulation	1	11.11

Table-3: Age and sex distribution of exhumed cases (n=21)

Sex	Age (Years)				TOTAL
	0-15	16-30	31-46	46-65	
Male	1	12	2	2	17
Female	0	3	1	0	4
Total	1	15	3	2	21

DISCUSSION

Exhumation or disinterment is generally considered as insulting and socially unaccepted (taboo) procedure by most cultures they bury their dead.⁹ However, instead of all cultures and religious barriers, exhumation is carried out throughout the world due to various reasons. The commonest reason for exhumation globally is medico-legal, i.e., if an individual dies in suspicious circumstances, the police may request exhumation in order to determine the cause of death. However there are so many other religious cultural and social reasons on basis of those exhumation is carried out in different part of the world as follows:

- Sometime exhumation is carried out on culture basis.⁹
- Deceased individuals who were not identified or mis-identified at the time of burial.¹⁰
- In Hong Kong, burial in government cemeteries are disinterred after 6 years under exhumation order. The remains are either collected privately or by the government for cremation and are reburied in an urn or niche. Unclaimed burials are exhumed and cremated by the government.⁹ Permanent burials in private cemeteries are allowed.
- Remains are sometimes exhumed in masses when a cemetery is changed. However, religious and official requirements are fulfilled.⁹
- In Jewish law, exhumation is forbidden.¹¹

In our study, out of 21 cases cause of death could be established in only 9 cases. In other 12 cases, autopsy was undetermined, therefore, the success rate was 42.85% and failure rate was 57.14%. The reason for failure is lengthy codal procedure of exhumation, environmental conditions and burial process. In our country except November to February when atmospheric temperature is below normal body temperature, rest of the year in most places like our study place temperature remains more than the body temperature. Due to this environmental factor, putrefaction starts within a week. In Europe where throughout the year, atmospheric temperature

remains below normal body temperature, putrefaction is delayed. Moreover, deceased are buried in wooden or iron coffin after some embalming, this process further delays the putrefaction, hence success rate of exhumation if carried out in days is more in Europe as compared to our country.

Although the frequency of foul play in homicidal death is similar through out the country, the success rate in challenge cases depends mostly on the duration of exhumation and soil of cemetery. In our society matters are not taken seriously and scientifically. If a foul play is suspected then there should be no unnecessary delay in conduction of exhumation. If exhumation is carried out in days after burial, 90% results can be achieved. Our customs, police, and judiciary systems are jointly responsible for unnecessary delay and negative results. Similarly, laboratory reports are not reliable. Those involved are easily bribed. More cases were from rural areas of different districts. It means that foul play in rural areas is more common than urban areas.

CONCLUSION

The success rate in challenge cases depends mostly on the duration of exhumation and soil of cemetery. If a foul play is suspected then there should be no unnecessary delay in conduction of exhumation. If

exhumation is carried out within days after burial, 90% results can be achieved.

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