ISSN: 2582 - 2942

LEX FORTI

LEGAL JOURNAL

VOL- I ISSUE- IV

APRIL 2020

ISSN: 2582 - 2942

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of LexForti Legal Journal. The Editorial Team of LexForti Legal Journal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of LexForti. Though all efforts are made to ensure the accuracy and correctness of the information published, LexForti shall not be responsible for any errors caused due to oversight otherwise.

ISSN: 2582 - 2942

EDITORIAL BOARD

EDITOR IN CHIEF
ROHIT PRADHAN
ADVOCATE PRIME DISPUTE
PHONE - +91-8757182705
EMAIL - LEX.FORTII@GMAIL.COM

EDITOR IN CHIEF
MS.SRIDHRUTI CHITRAPU
MEMBER || CHARTED INSTITUTE
OF ARBITRATORS
PHONE - +91-8500832102

EDITOR
NAGESHWAR RAO
PROFESSOR (BANKING LAW) EXP. 8+ YEARS; 11+ YEARS WORK EXP. AT ICFAI; 28+ YEARS WORK EXPERIENCE IN BANKING SECTOR; CONTENT WRITER FOR BUSINESS TIMES AND ECONOMIC TIMES; EDITED 50+ BOOKS ON MANAGEMENT, ECONOMICS AND BANKING;

EDITOR
DR. RAJANIKANTH M
ASSISTANT PROFESSOR (SYMBIOSIS INTERNATIONAL UNIVERSITY) - MARKETING MANAGEMENT

ISSN: 2582 - 2942

EDITORIAL BOARD

EDITOR
NILIMA PANDA
B.SC LLB., LLM (NLSIU) (SPECIALIZATION BUSINESS LAW)

EDITOR
DR. PRIYANKA R. MOHOD
LLB., LLM (SPECIALIZATION CONSTITUTIONAL AND ADMINISTRATIVE LAW)., NET (TWICE) AND SET (MAH.)

EDITOR
MS.NANDITA REDDY
ADVOCATE PRIME DISPUTE

EDITOR
MS. P SAI SRADDHA SAMANVITHA
STUDENT EDITOR

ISSN: 2582 - 2942

ABOUT US

LexForti is a free open access peer-reviewed journal, which gives insight upon broad and dynamic legal issues. The very objective of the LexForti is to provide open and free access to knowledge to everyone. LexForti is highly committed to helping law students to get their research articles published and an avenue to the aspiring students, teachers and scholars to make a contribution in the legal sphere. LexForti revolves around the firmament of legal issues; consisting of corporate law, family law, contract law, taxation, alternative dispute resolution, IP Laws, Criminal Laws and various other Civil issues.

A Study of Examination of Mutilated Bodies with Reference to Incidences of Mass Destruction and Criminal Matters

Anjali Bhadana

ABSTRACT

Examination of fragmented or mutilated body parts fundamentally is a crucial element which leads to the personal identification of the discovered body. It is a challenging process, but over the years, advancement in field of technology has made the process more effective and precise. Many cases have been solved based on such forensic examination. Even in incidences of mass destruction the identity of victims relies on such sophisticated forensic methods, this helps the families of victims reach a closure. DNA plays a vital role in such examinations along with some traditional methods. This paper tries to understand the role of forensic science in examination of bodies which are torn into pieces and beyond recognition.

Keywords – DNA analyses, forensic science, mutilated or fragmented bodies, personal identification

INTRODUCTION

Mutilation refers to severe damage caused to the body, which involves cutting or tearing of body parts. Mutilation of a body can be result of various events, a heinous homicide, an accident, a plane crash or a natural disaster. These things can leave the human body in pieces and make it difficult for an ordinary person to recognize the individual. The discovered remain can be a finger, torso, limb or an organ, and this further creates doubt regarding the identity of individual as the discovered remain could also belong to an animal. The identity of the body is very crucial in criminal matters and as well as in non-criminal matters as in case of insurance and assurance to the family members of the victim. There are incidences when the human body parts are recovered in decomposed, burnt and fragmented pieces. Terrorist attacks cause mass destruction, and if bombing is involved then that can in turn leaves the surrounding and lives of people in fragments. Natural disasters like earthquake are also culprit of mutilating the bodies beyond recognition. There have been many infamous cases which highlighted the discovery of mutilated body parts and their examination, the Tandoor case, Nithari matter, etc.

EXAMINATION OF MUTILATED BODY PARTS

When a human remain is discovered at a site, a key element to consider, even by non-forensic personnel, is the need for proper recovery and management of human remains and associated evidence.[1] Family members are always relied upon to identify the person, but it becomes difficult to follow this method when the body is found in the decayed, mutilated, fragmented or charred state. Mutilation of body parts can make it challenging to identify the person, and forensic science plays a vital role in such matters. Whenever any part of a human is discovered the task at hand is to establish the identity of the individual. Examination of skeleton can determine the age, race, gender, and stature. With the advancement in the field of science, DNA testing can be used to narrow down an individual's identity.

[1] UNODC,Crime Scene and Physical Evidence Awareness for Non-forensic Personnel, UNODC, NewYork,2009.

ANTHROPOLOGICAL METHODS

When the body is discovered in a fragmented and decomposed state, the study of bones presents a key criterion for determination of identity. The first step is to ascertain the sex of the discovered skeletal. Pelvic bone and skull are used to differentiate between the sexes. There are some significant differences between the male and female in the pelvic region. The ilium sits high and a bit narrower in males than females, further the ilium is relaxed off to the side just a bit which gives women more full hips. At the pelvic inlet females have a circular shape and the pelvic outlet which is useful in giving birth. The region where pubic ramus meet in males forms an acute angle resembling an upside-down 'V' whereas in females the angle is wider and resembles an upside-down 'U'. As pelvic bones were recovered in Nithari matter, they provided valuable information regarding the sex of fragmented body parts. The skull in males has more significant mastoid processes, brow ridges whereas in females they have smaller mastoid processes and smoother, more vertical frontal bone.

DNA ANALYSIS

Deoxyribonucleic acid (DNA) is unique to an individual moreover; it does not change with age. It follows the Mendelian principle of genetics; it contains equal parts from each parent. It can be recovered from bloodstains, a single strand of hair, bones, teeth etc. It can be preserved for a very long time in favourable conditions. For reference close relatives are preferred; generally siblings, children, and parents are giving priority. While analyzing, a DNA profile is created which is a replication process that creates multiple copies of the DNA collected from human remain and reference sample from the relatives. The DNA sample is analyzed, compared and matched to the DNA collected from relatives. It also helps in establishing no relationship between the human remains and the relatives from whom the sample is collected.

In cases of severe mutilation of the human body, the reconstruction of the body can be possible with the help of several forensic methods such as skeletal morphological analysis. This can be achieved in combination with DNA analysis. The need for this arises so that the body can be given back to the relatives in the most humane way possible. Presence of particular body parts is vital for carrying out the final rites in some cultures. If mass destruction has occurred like bomb blast or some natural disasters, anthropological analysis can help in ascertaining the number of persons who were subjected to the destruction.

AUTOPSY

Examination of the discovered dismembered or fragmented body parts have to be carefully done. Examination involves various steps; understanding the cause of death as well as the nature of the event, which eventually lead to death. The objective of post mortem is to find out who has died, why they have died and when they have died? The deceased is first weighed and measured. Bruising if any is noted down along with presence of tattoos. An external examination takes place; the findings collaborate, the deceased is eviscerated, pathologist will go through a specific procedure with the organs. Then the organs are placed back, and reconstruction is completed.

Personal identification is a fundamental part of forensic science. There are various methods which are employed by the forensic experts to ascertain the identity of the person like study of the skeletal remains, facial reconstruction, DNA sampling, etc. In 2018 two sacks were dumped in Hyderabad with a woman's body which had been fragmented into pieces to fit into the sacks. The autopsy confirmed her sex and the fact that she was eight months pregnant but could not identify her true identity[2].

Naina Sahni Case

Sushil Sharma, husband of the deceased, murdered his wife in rage suspecting infidelity on her part. He later tried to get rid of the body by burning it in a tandoor at Bagia Bar-be-Que, Delhi. Police reached there to discover that a human body was being subjected to the burning. The post – mortem report made it clear that the burns were acquired after the death of the deceased, and she died due to firearm injury. The Centre for Cellular and Molecular Biology, Hyderabad confirmed the identity of the corpse by DNA test. Tissues from the thighs, ribs and ulna bones of the deceased were tested against the samples collected from the parents of the deceased confirmed that the dead body was of Naina Sahni[3]. However, it was not possible to ascertain the cause of separation of her limps, either it was chopped off or got separated due to burns. The accused was held guilty for the murder of his wife.

Nithari Matter

---

[2] https://timesofindia.indiatimes.com/city/hyderabad/horror-in-hyderabad-8-month-pregnant-womans-body-chopped-dumped-in-sacks/articleshow/62713262.cms.

[3] Sushil Sharma v. State (NCT of Delhi), (2014) 4 SCC 317.

Nithari is a small village in the state of Uttar Pradesh. The one which the entire country now knows of as the infamous place which stood witness to the horrific events of sexual abuse, rape, murder, and cannibalism. The village lost many of its young children to the 'house of horrors'. On a cold December morning of 2006, skulls, bones, and other remains were fished out of a drain that ran along the backside of the D5 house. Among the victims were little children, some as little as six. Forensic science came into action as soon as mutilated parts of human bodies were discovered. The personal identification of these parts became essential to establish connection between the children who were missing and the accused.

The mutilated body parts were sent to forensic laboratories in Agra and Hyderabad, which helped in personal identification of the victims through DNA testing. DNA samples of the missing children's parents were matched with the mutilated body parts in order to establish the true identity of victims. 8 cases out of 17 cases in Nithari matter have been decided. In all the cases the accused has been found guilty and sentenced to death. If it was not for the advanced techniques of forensic science, parents of Chhoti Kavita (5), Rimpa Halder (14), Rachna Lal (9), Deepali Sarkar (12), Arti Prasad (7) would not have been able to fight for their daughters' justice.

MASS DESTRUCTION

The forensic investigation of human remains following armed conflict and other situations of armed violence[4] has two objectives. The first is to recover and examine the remains for criminal investigations, including establishing the cause and manner of death; the second is to identify the remains and, if possible, return them to the family of the dead person[5].

The protocols used during the Disaster Victims Identification include steps like body tagging and bagging, fingerprinting, forensic pathology, and forensic dentistry. Forensic dentistry team was divided into two parts, dental examination, and dental radiology[6]. DNA is useful in identifying human remains and in criminal investigations for several reasons. The first reason

[4] "Armed conflict and other situations of armed violence" covers events during or after: •International armed conflict and non-international armed conflict as defined in the1949 Geneva Conventions and their 1977 Additional Protocols

[5] www.icrc.org

[6] Mishra SK, Mahajan H, Sakorikar R, Jain A (2014) Role of prosthodontist in forensic odontology. A literature review. J Forensic Dent Sci 6: 154-159.

being that DNA is unique to an individual and remains constant through life, and secondly, it follows The Laws of Mendelian inheritance[7]. In cases of mass destructions determination of the discovered human remains along with haemoglobin level can help in distinguishing the remains from one individual to another.

9/11 terrorist act

Twin towers of New York City were attacked on September 11, 2001, nearly 3000 people were killed, and 6000 were injured. Forensic science has helped some families seek closure. The death certificates of 1,642 were made possible only by testing the recovered physical remains, which was undertaken by forensic experts. Identification was made by comparing the DNA profile of personal items, banked biological samples, relatives with the discovered human remains. The DNA is extracted by crushing the fragments into fine powder and comparing it to the collection of genetic material taken from relatives. Even after all these efforts from the authorities, it has not been possible to ascertain the identity of all the victims. Some of the discovered biomaterial is beyond the scope of testing as it has degraded after such a massive blast. There are still families who wait for some news regarding discovery of their relatives' identity so that a burial can be conducted for them.

Assassination of Rajiv Gandhi

Rajiv Gandhi, the 6th prime minister of India, was assassinated by a suicide bomber in Sriperumbudur, Chennai on 21st May 1991. His body was destroyed due to the bomb, which was a black RDX, 17 more people were killed in the bomb blast. His torso and legs were intact, but his upper body part endured the worst part of the blast. It took people much time to identify him from the rest of the mutilated bodies which surrounded the site of attack. His face was damaged, and only the right side remained a bit intact with a little touch of nose along with his right ear. His shoes helped in his identification along with the bald patch of his head. His intestines, liver, kidney, and brain were blown away due to the impact of the blast. The doctors of All India Institutes of Medical Sciences (AIIMS), Delhi tried to reconstruct Rajiv Gandhi's face, but they were unsuccessful in doing so. Meanwhile DNA samples were also taken from Rajiv Gandhi's children as sample reference to analyze it with the human remains of mutilated body parts which were brought back to Delhi.

[7] Robin Coupland, Morris Tidball-Binz (2009) Missing people, DNA analysis and identification of human remains. 2nd edition. Inter Committee Red Cross, Geneva, Switzerland, pp: 1-47.

CONCLUSION

Examination of mutilated or fragmented body parts possess a challenge for the forensic scientist, advancement in technology has led to significant development in the field of examining the human remains and establishing their identity. Traditional forensic methods are also adopted along with the new ones. Thorough examination leads to cause of death and eventually to the criminal. It also helps the families in finding closure. There have been many cases in recent times where bodies have been mutilated beyond recognition, and such acts are done to mislead the investigating team. It is not always possible for the investigation to go ahead with such sophisticated ways as there is a lack of resources.