

**A Case Report****Dowry Death Burns****Bhullar DS\* Aggarwal AD\*\* Kamal C\*\*\***\*Assistant Professor \*\*Associate Professor \*\*\*Junior Resident ,  
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**Abstract:** Dowry death or bride burning is a heinous crime against women with site of occurrence primarily in-laws house of the female and treated as culpable homicide with punishment up to life imprisonment or death. Sometimes it becomes very difficult to ascertain whether the burns on the dead body are antemortem or postmortem and postmortem examination may create big controversies if tackled by untrained hands thus, inviting avoidable criticism. The only solution to avoid such situations is better co-ordination between the general duty medical officers in health department and forensic medicine faculty mainly working in medical colleges in the state. This will streamline and improve the medico-legal work and functioning in the interest of justice.

**Key Words:** Dowry Death, Bride Burning, Asphyxia, Domestic Violence, Kerosene, Culpable Homicide, Antemortem, Postmortem, Suffocation.

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**Introduction:-**

**Dowry death** or **bride-burning** is a form of domestic violence prevalent in countries located on or around the Indian subcontinent. This is a heinous crime against women and occurs when a young woman is murdered by her husband or his family for her family's refusal to pay additional dowry. The wife is typically doused with kerosene, gasoline or other flammable liquid, and set to ablaze, leading to death by fire. Kerosene is most often used as the fuel. It is most common in India and has been a major problem there since at least 1993. This crime has been treated as culpable homicide and, if proven, is usually accordingly punished by up to lifelong imprisonment or death. In the present case under consideration, one panel of doctors gave the cause of death as ante-mortem burns shock and asphyxia (suffocation) but in re-examination of the case, the panel of forensic medicine experts declared the burns as postmortem apart from other findings missed during the first autopsy, thus inviting a national debate and inquiry by the National Commission for Women of Government of India and this case requires urgent attention and discussion at

medical forum in the interest of justice.

**Case History:**

A female aged 33 years with alleged history of dowry death was subjected to postmortem examination by a board of three doctors in a Government Civil Hospital in District Patiala of Punjab state on April 20, 2017 declaring burns on the dead body as antemortem. However, her relatives expressed doubts over the said postmortem and the dead body was referred to Rajindra Hospital Patiala by Sub Divisional Magistrate with a request to conduct the postmortem of the deceased by setting up a panel of doctors and in the second autopsy by a panel of forensic medicine experts, the burns were declared as postmortem in nature. The postmortem findings in brief included:

**Findings of First Autopsy**

Dead body of a moderately built female emitting smell of combustible substance, partial pugilistic attitude present, postmortem staining with cherry red colour, larynx and trachea congested and containing soot mixed with mucus secretions, face swollen with superficial patches of burns, blackening and charring, singeing and burning of scalp hair, eye brows and eyelashes

present, superficial to dermo-epidermal burns present on the body (neck, chest, arms and upper abdomen). Red line of demarcation present at the junction of healthy and burnt areas. Both lungs congested and contain soot material. Viscera sent for chemical analysis. Uterus sent for histopathological examination. Genital swabs sent to chemical examiner. The cause of death in this case is due to burn shock and asphyxia (suffocation) which is sufficient to cause death in the ordinary course of nature. The burns are antemortem in nature. However, viscera, uterus and swabs are sent for chemical and histopathological examination to rule out poisoning, sedatives and spermatozoa.

### **Findings of Second Autopsy**

Dead body of a moderate to well built female wrapped in white cloth sheet and showing postmortem suturing. Postmortem burns present on the body parts as mentioned in first autopsy. Reddish abrasion with sub-conjunctival hemorrhage present in left and right eye, back of middle part of right upper arm, two crescentic reddish abrasions present each on right and left side on face. Deep cyanosis present on finger nails and lips. Tongue bluish black in appearance and protruding out and clinched in between teeth with hemorrhagic spots on inner surface of lips. Viscera in general are congested. Postmortem findings suggested death due to asphyxia. The cause of death was to be given on receiving the reports of chemical and histopathological examination of viscera sent during first autopsy.

### **Discussion:-**

According to the first information report (FIR) registered by the police on the statement of the brother of the deceased in this case, the deceased was being harassed for dowry by her in-laws since her marriage in the year 2007 and on the fateful day of 19-04-2017, she was allegedly murdered jointly by her husband, father-in-law and mother-in-law by putting her on fire after sprinkling kerosene on her body and there may be possibility of the involvement some other relatives also in this murder. Accordingly the police registered criminal case under Sections 304-B, 120-B IPC and before her death her brother was called by her in-laws on the pretext of self burning but later, on perusal of the letter of the

National Commission for Women, Government of India dated 25<sup>th</sup> August 2017 [1] in this case, the police officials had stated that the accused had tampered with the scene of crime by changing the clothes of the victim after she was burnt. The victim was brought dead to the hospital and according to the first postmortem examination report, she was 33% burnt, her upper body was the most affected and hence she died of asphyxiation i.e. by inhaling smoke.

On the basis of this letter of the women commission, the Directorate of Health and Family Welfare Punjab vide its letter dated 3-10-17 [2], issued instructions to the all Civil Surgeons of the state that there is also need to ensure that in such alleged murder / suicide cases, the post-mortem should be conducted by specialized forensic teams at the District / State level hospitals as the findings of both postmortem reports were different. There is also a need for a separate burn ward at all District / Civil Hospitals for speedy treatment which could reduce the number of deaths case and the children and parents of the victim should be counseled. The important medico-legal issues of further discussion related to this dowry death case include:-

#### **a. Authenticity of the postmortem reports:**

The first postmortem report has mentioned burns to be antemortem in nature but in the re-examination of the case by forensic medicine specialists of state Government Medical College, the burns were declared postmortem in nature and the other postmortem findings suggested death due to asphyxia, not due to suffocation as mentioned in the first postmortem report, but possibly due to smothering as indicated by some injuries present on face and cyanosis. On occasions, murderers kill their victim by some other means and then set fire to the body and even to the house to destroy the entire evidence of crime [3]. The autopsy report by panel of forensic medicine experts should have an edge for authenticity over the first postmortem report on the following grounds;

Forensic Medicine experts are better trained in differentiating antemortem and post-mortem burns.

- . The second autopsy was video graphed and carries better authenticity.
- . In the inquiry committee report, the police officials have stated that the accused have tampered with the scene of crime by changing the clothes of the victim after she was burnt.
- . There is remote possibility that a victim will die due to suffocation with the type and percentage of burns present on the body in this case.
- . Detection of soot material in lungs with naked eye examination during postmortem as mentioned in first autopsy is not easy and is an unreliable finding.

b. **Is the case comes under the preview of Dowry Death:**

Section 304-B in the Indian Penal Code defines Dowry Death [4] as "Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

In the present case, the victim of alleged dowry death has died after more than seven years of her marriage in the year 2007 as mentioned in the first information report and the police have registered this criminal case under Section 304-B of IPC, which violates the definition of this section of the law in the absence of any amendment if so. Although it is a legal issue, the forensic medicine experts can explore the legal literature for better clarification.

c. **Origins of bride burning:**

There are at least four perspectives on why bride burning came to be and how its existence has prevailed in South Asian nations, as detailed by Avnita Lakhani in her report on bride burning titled "The Elephant in the Room Is Out of Control". These theories describe practices that contributed to the rise of dowry as a whole, thus ultimately

contributing to bride burning.

One of the more culturally-founded theories suggests that in a highly patriarchal society such as India, a woman's role is defined from before she is born, which ultimately places her as lesser than men. [5]

Because she is seen as a burden and an "extra mouth to feed", [6] her status as an economic liability promotes the idea that men, who are considered physical assets, can treat women as subservient. [6] Once a woman marries, she is bound to her husband and his will because "society mandates obedience to her husband". [6] [5]

Another theory claims that consumerism, a primarily Western ideal that is newly founded in developing nations, has caused countries like India to become greedy. [7] Because of this, dowry is used as a means to gain a higher socioeconomic status. [5] As status is continually gained, the demand for bridal dowry increases in order to keep moving up the social ladder. [6]

Lakhani also suggests that, historically speaking, it has been noted that the dowry system may have been conceived as a way to distinguish Muslim from Hindu culture, [5] creating a further divide within castes. A higher dowry would indicate a higher status and distinction from Islam, thus providing an incentive to demand a larger dowry. [5]

Finally, some scholars argue that the dowry practice came out of British rule and influence in India in order to distinguish "different forms of marriage" between castes. [6] When the dowry system was established within the higher castes, the British government sought to reinforce it in the lower castes as a means to eradicate their more ritualised marriages. [6] Such forms of union were discredited until only upper caste marriage systems were recognized. [2]

d. **The Problem in India:**

Homicidal burning of married women in India is a major concern for the Government, law-enforcing authorities, the judiciary, the police and medico-legal experts all over the country who are associated with dowry

disputes. Dowry death, a heinous crime, is gradually engulfing and polluting the entire society. Sections 304(B) and 498(A) of the Indian Penal Code (IPC) have been introduced and Sections 174 Criminal Procedure Code (Cr PC) and 176 Cr PC have been modified but, instead of deterring dowry deaths, the occurrences are increasing day by day and the number of cases coming for post-mortem examination is rising. Both parties, that is, the parents and in-laws of the deceased, are becoming adept at manufacturing circumstantial evidence to serve their own interests. Therefore, to establish the truth and for the smooth administration of justice, reliable unbiased medical evidence has to be corroborated. More stringent laws and female independence both mentally and economically will reduce the homicidal burns in young brides. [8]

#### **Conclusion and Recommendations:-**

- a. The medical officers working in district / civil hospitals should be given proper training of postmortem examination in the interest of justice.
- b. Only in doubtful cases whether the burns are antemortem or postmortem in nature, the dead body should be referred to higher institute to be dealt by forensic medicine specialist.
- c. Forensic medicine specialist should be posted in all district level civil hospitals to deal with postmortem examination work in a better and specialized way.
- d. Separate burn wards should be set up in all civil hospitals with specialized staff and equipment to effectively treat the burn cases.
- e. Counseling centers need to be established in all major hospitals dealing with burn victims

especially female patients for counseling of the children and parents of the victim.

- f. Police should be sensitized in dowry death cases so that speedy action is taken against the accused with approach to inquire such heinous crimes in a more technical way.
- g. There is need for better co-ordination between the health department and forensic medicine faculty mainly working in medical colleges in the state to streamline and improve the medico-legal work and functioning in the interest of justice.

#### **Conflict of Interest: None**

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