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IP International Journal of Forensic Medicine and Toxicological Sciences

Journal homepage: <http://www.ijfmts.com/>

Letter to Editor

Advancing private sector engagement in forensic autopsies in India

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ARTICLE INFO

Article history:

Received 14-11-2024

Accepted 17-12-2024

Available online 23-12-2024

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Keywords:

Forensic Medicine
Forensic Pathology
Medicolegal Autopsy
Private Autopsy
Quality
Private Sector

India, with its population of over 1.5 billion, witnesses a significant number of unnatural deaths each year that necessitate medico-legal death investigations. Forensic autopsies play a crucial role in determining the cause and manner of death aiding in the administration of justice.¹ However, the responsibility for conducting these autopsies falls almost exclusively on government institutions in India. These establishments are overstrained, underfunded, and often struggle to deliver the timely and high-quality forensic services required by modern criminal justice systems.² It is time for us to explore and expand the role of private sector engagement in medico-legal death investigations to bridge this gap.³

Currently, only a few states in India, such as Karnataka and Tamil Nadu (and possibly a few others the author may be unaware of), have authorised some reputed private medical colleges to conduct medico-legal autopsies.⁴ However, even in such cases, the jurisdiction of these private institutions is restricted to only a few police stations. In the rest of the country, autopsies are conducted at government institutions that include teaching and cluster

hospitals designated for handling medico-legal work.

The heavy reliance on state-run institutions for forensic autopsies has led to a precarious situation where government morgues are overwhelmed. In some high-volume centres, 3,000 to 5,000 autopsies are conducted annually, despite the institutions operating with minimal staff (technical & supporting) and inadequate resources. Many facilities are in poor condition, lacking essential infrastructure such as adequate cold storages, necessary equipment and consumables. This situation leads to significant delays in completing autopsies, often causing the next of kin to endure long waits before their relative's body is released. Heavy workload also compromises the quality of postmortem reports, impacting the outcomes of criminal investigation.

Expanding forensic medicine services to private institutions offers a multitude of advantages that can significantly improve the quality and efficiency of medico-legal death investigations in India. Private medical colleges in India are staffed with well qualified forensic pathologists in accordance with National Medical Commission (NMC) norms, but these experts are totally away from autopsy work. They often teach medical students concepts they

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never apply in practice, which contradicts the very essence of being a 'professor.' A professor is meant to profess what they actively practice. This not only diminishes the quality of medical education, as students miss out on practical, hands-on learning, but also wastes the skills of these trained professionals. In fact, pursuing a career in forensic medicine at a private medical college after residency often feels like career suicide, given the lack of professional opportunities for development.⁵

Allowing recognized private medical colleges to conduct medico-legal autopsies would not only alleviate the burden on government institutions but also ensure that the forensic medicine education stays firmly rooted in practical experience. States that have already permitted private institutions to conduct autopsies have seen positive outcomes, with practitioners from these institutions held accountable through established legal frameworks. Expanding this practice to more states could significantly enhance both the quality of forensic medicine services and medical education. For instance, the Madras High Court has proposed safeguards such as mandatory videography of all postmortem examinations and also some amendments to the Prevention of Corruption Act. These amendments would ensure that an autopsy surgeon from a private institution is deemed a public servant for the purposes of the Act, thereby enhancing accountability and transparency in the conduct of forensic autopsies.⁶

Private autopsies are a well-established practice in many Western countries, offering families an additional option when the cause of death is disputed or when a second opinion is required.⁷ In India, however, such services like defence autopsy or private autopsy are almost non-existent as of now. The introduction of private autopsy services could provide bereaved families with greater autonomy and transparency in medico-legal processes, allowing them to seek answers independent of government institutions. Private autopsies would be particularly useful in cases where law enforcement deems an autopsy unnecessary, but the family believes further investigation is warranted. By creating a regulated framework for private autopsies, India could ensure these services meet stringent quality and ethical standards.

In the context of private autopsies, corporate hospitals and private pathology/toxicology labs⁸, which already provide world-class healthcare and diagnostic services, are uniquely positioned to enhance the quality of forensic pathology in India. By investing in high-quality morgues and ancillary forensic services, these healthcare institutions could deliver timely and accurate autopsy results. Furthermore, the introduction of private sector competition would encourage innovation, drive the adoption of advanced technologies, and standardize forensic practices across the board. This would raise the overall standard of medico-legal investigations while ensuring families have

access to the information they need to address their concerns and achieve justice. Perhaps an attempt towards this kind of work needs to start within the community of forensic pathologists before it can gain wider acceptance across the country. Mutual respect within the profession and the ability to disagree respectfully are sometimes lacking in our part of the world

One of the primary objections to private sector involvement in forensic autopsies is the perceived difficulty in holding private practitioners accountable. However, this argument is fundamentally flawed. In various medico-legal contexts, such as trauma care (for e.g.: wound certificates) and sexual assault examinations (for e.g.: rape victim), courts already accept evidence provided by registered medical practitioners in the private sector. There is no logical basis to discredit forensic autopsy reports produced by qualified professionals in private institutions. The existing legal framework can be easily adapted to regulate and oversee medico-legal autopsies at private medical colleges or in private autopsy settings, ensuring the same level of accountability as that afforded to autopsies done at public facilities. This adaptation could include the establishment of oversight mechanisms and standards that align with those already in place for public institutions.

In fact, any forensic expert working in a private establishment is still registered with the medical council and cannot simply vanish after committing fraud in a case. What is lacking right now is a standard operating procedure for medico-legal autopsies ratified by law. Once that is in place, whether the autopsy is conducted by a government or private institution, all must adhere to the same scientifically prescribed method. Law must break free from its colonial legacy to truly serve the cause of justice. This step is crucial in recognizing that law is not a static entity, but a living, evolving force that must grow and adapt with the times.

Astoundingly, current Indian laws decree that an autopsy must be conducted by a registered medical practitioner (who need not necessarily be a forensic pathologist); nevertheless, in many peripheral cluster hospitals, autopsies are often performed by doctors who lack specialized training in forensic medicine. This practice not only undermines the quality of autopsy reports but is also antithetical to the principles of distributive justice. The reliance on inadequately trained practitioners can lead to profound inaccuracies in determining the cause and manner of death, potentially resulting in wrongful conclusions that affect legal outcomes. Ensuring that qualified forensic pathologists conduct autopsies, whether in public or private settings, is essential for maintaining the integrity of the medico-legal system and upholding the standards of justice that a modern society demands.

From an ethical standpoint, expanding forensic services to private institutions aligns with the principles of justice and beneficence. Justice requires that medico-legal services

be equitably distributed and accessible to all, and private sector involvement could reduce delays while improving the accuracy and quality of autopsies, thereby serving the public good. Beneficence mandates that we do no harm and actively seek to benefit society. By enhancing the efficiency and quality of medico-legal death investigations, we can prevent miscarriages of justice and strengthen the legal process. Moreover, respect for autonomy demands that families of the deceased be provided with options, particularly when government institutions are unable to meet their needs. Allowing families to seek private autopsies in cases of potential medical negligence or other legal disputes would empower them and enhance the transparency of the medico-legal process.

The current monopoly of the state over forensic autopsies has become an unholy breeding ground for corruption, nepotism, and a lackadaisical attitude among public servants. This centralized control often leads to a system where resources are constantly mismanaged, and accountability is diminished. With government institutions overwhelmed by high caseloads and insufficient funding, the quality of forensic services suffers. In many cases, autopsies are conducted without the necessary rigor, resulting in subpar outcomes that compromise the integrity of investigations. The absence of competition fosters complacency, allowing unethical practices to thrive and eroding public trust in the death investigation systems. Moreover, a culture of arm chair forensic pathologists who claim themselves as ‘doyens’ and ‘stalwarts’ have created toxic work cultures that hinder growth in the field.

It is time for India to break the government’s monopoly on medico-legal death investigations and allow private players to contribute to this critical aspect of public health and justice. Engaging private medical colleges, corporate hospitals, and independent forensic services can create a competitive environment that drives innovation, improves the quality of autopsies, and ensures timely delivery of justice. The legal and ethical concerns raised against private sector involvement can be effectively addressed within the existing framework. With appropriate regulation, the risks of malpractice or evidence tampering are no greater than those found in government institutions.

I would be doing a great injustice if I did not address the costs involved in this initiative. While private autopsies can be priced according to global/local market dynamics, autopsy services at private medical colleges should be provided free of charge. This has to be made a non-negotiable rule for starting a new medical college in India. Many private colleges avoid the responsibility of setting up morgues and offering forensic autopsy services, largely because of the additional costs involved without a direct revenue stream to support this work. Therefore, it is essential for the state to legislate that every private medical college must have its own morgue, enabling them to conduct

all forensic autopsies for hospital treated and brought-dead medico-legal cases. The issue of granting jurisdiction over one or more police stations can be addressed later, as it would be beneficial for the private institutions. However, it’s important to explain that providing forensic autopsy services can also serve the institutions’ own needs. For instance, they can use unclaimed or unidentified bodies for embalming, which supports anatomy teaching, and for setting up cadaver research facilities for surgical workshops. Currently, many private institutions in India spend large sums—sometimes lakhs of rupees—on procuring bodies through organized groups, which, though made to appear legal, is still troubling.

Private medical colleges, despite their focus on revenue generation, should not find it burdensome to contribute to this essential community service. Additionally, the current insurance-based healthcare model could be extended to include reimbursement for autopsies at a pre-set cost, particularly in cases where they are deemed necessary. This would not only ensure coverage for essential cases but also incentivize private institutions to participate actively in the system.

In India, the jurisdiction over police and related matters is outlined in the State List of the Seventh Schedule of the Constitution, granting state governments the exclusive prerogative to authorize institutions to conduct forensic autopsies. This has led to instances where newly established AIIMS institutions and ESI Medical Colleges have been denied permission to perform these essential forensic investigations, often due to unfounded fears stemming from political differences between the Union and State governments. As a result, some professionals within these institutions seized this opportunity to distance themselves from medico-legal responsibilities, opting instead for a ‘pseudo-research-driven existence’ until the pressure to engage in practical applications of their training becomes unavoidable. This reluctance not only stifles the development of a robust forensic pathology framework in the country but also compromises the quality of forensic investigations available to families seeking justice. Under these circumstances where the so called ‘institutes of excellence’ fail to deliver optimally, the private sector emerges as a compelling option for addressing the deficiencies in forensic autopsy services.

India’s track record of success in private healthcare suggests that private players could revolutionize forensic pathology just as they have transformed other aspects of medical practice.⁹ In the interest of both justice and public health, advancing private sector engagement in forensic autopsies and medico-legal investigations is imperative. This initiative will not only benefit the families of the deceased but also alleviate the burden on government institutions, ultimately enhancing the quality of medico-legal services across the country.


1. Conflicts of Interest

None to declare.

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Cite this article: Ananth Rupesh K. Advancing private sector engagement in forensic autopsies in India. *IP Int J Forensic Med Toxicol Sci* 2024;9(4):157-160.