

**RESEARCH PAPER****Understanding Behind Refusal to Autopsy in Road Traffic Cases in Lahore: A Perspective of Police Investigation Officer****<sup>1</sup>Ahmad Raza\* and <sup>2</sup> Dr. Muhammad Ishaq**

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**\*Corresponding Author:** ahm4333738@gmail.com**ABSTRACT**

The study aims to explore the investigation officer's understanding behind the refusal to medico-legal autopsies in fatal RTCs in Lahore, Pakistan. A medico-legal autopsy is conducted to find out the facts about the suspicious or unnatural death, such as the cause of death, estimated time, type, and number of injuries. Its report is essential admissible evidence. Many studies identified medico-legal autopsy as a cause of tension between the grieved family and investigation officers. This study used an exploratory research design to collect qualitative data. Purposive sampling (a type of non-probability sampling technique) was used to recruit 12 participant investigators from 6 police stations, who investigated at least one fatal RTC in Lahore, Punjab. The primary data was collected through in-depth interviews with a semi-structured interview guide from informants. Qualitative data was analyzed by using the thematic analysis technique. The study highlighted that in fatal RTCs, the majority of the bereaved families refused to allow a medico-legal autopsy. The religious ideology of the bereaved families is the main factor behind the refusal, followed by the humiliation of the dead body, lack of trust, procedural delay and extraction of body parts. Local politicians and high-ranking officers often compel the investigators to circumvent legal procedures. Court orders are the most common way used to prevent autopsy, while sometimes police have to face protests also. A comprehensive awareness campaign should be launched to aware people of the importance and impact of autopsy reports on the conviction.

**KEYWORDS** Medico-Legal Autopsy, Postmortem Examination, Autopsy Refusal, Vehicular Homicide, Fatal Road Traffic Crashes, Bereaved Family, Co-Victim, Police Investigators

**Introduction**

Medico-legal autopsies are a cornerstone of homicide investigations, providing critical evidence to determine the cause, estimated time, manner, types and number of injuries in cases of unnatural death (Afandi, 2012; Mole, 2019, Marri et al., 2021; Abdellah et al., 2018). In the context of road traffic crashes (RTCs), which are a significant cause of mortality globally (Sherin, 2021), medico-legal autopsies play a crucial role in supporting legal processes and ensuring justice (Menezes, & Monteiro, 2023). Investigation officers (IOs) are pivotal in the medico-legal framework, tasked with navigating not only the technical aspects of crime scene analysis but also the sensitive dynamics of bereaved families and legal institutions (Dhingra, & Sarthak, 2017; Plattner, Scheurer, & Zollinger, 2002). Their experiences offer valuable insights into the practical difficulties encountered during the autopsy process especially in developing countries. These challenges often stem from societal resistance to postmortem examinations, influenced by religious beliefs, cultural norms, and mistrust in legal systems (Davis & Peterson, 1996; Suwalowska, 2022).

Lahore, the capital of Punjab and 2<sup>nd</sup> most populated city in Pakistan. The city has high RTC incident rate despite highly developed infrastructure and education. It presents a

unique landscape where these autopsies intersect with religiously laden complex social and cultural (Cassum, 2014). This paper pursues to explore the perspectives of investigation officers in Lahore regarding the challenges associated with medico-legal autopsies in fatal RTC cases. By examining their firsthand experiences, the study aims to highlight the systemic barriers and propose strategies to enhance the effectiveness of medico-legal investigations, ultimately contributing to more robust forensic practices and the administration of justice in Pakistan.

## **Literature Review**

Medico-legal autopsies are critical for establishing the cause of death, identifying the nature and extent of injuries, and supporting legal proceedings in cases of unnatural deaths (Menezes & Monteiro, 2023). These autopsies provide essential forensic evidence that aids in determining whether a death was accidental, homicidal, or suicidal, thereby facilitating justice (Blumenthal, 2023).

In Pakistan, legal mandates underscore the importance of conducting autopsies in cases of road traffic accident deaths. The Supreme Court's directive following the Benazir Bhutto assassination emphasized that autopsies are mandatory for all unnatural deaths, reflecting the state's commitment to thorough death investigations. Despite these legal requirements, cultural and religious beliefs significantly influence the acceptance of autopsies. Cassum, (2014) highlighted that societal perceptions in South Asia differ markedly from those in Western contexts, with many families refusing autopsies due to religious convictions, concerns about body desecration, and mistrust of the legal system.

Research from neighboring countries supports these findings. Rathinam et al., (2013) reported that in India, autopsy refusals often stem from concerns about police involvement, delays in funeral arrangements, and the belief that autopsies would not alter the outcome for the deceased. Similarly, Blokker et al., (2016) found that in Europe, the main reasons for autopsy refusal included the belief that the cause of death was already known and fears of body mutilation. Religious doctrines also play a significant role in shaping attitudes towards autopsies. Mohammed and Kharoshah (2014) discussed the Islamic legal principle of Maslaha, which permits autopsies when they serve the public interest, such as in cases of suspected criminal activity or for medical research. Behera et al. (2008) emphasized that providing clear information to bereaved families about the purpose and procedures of autopsies can improve acceptance and reduce familial distress.

This literature underscores the complex interplay of legal, cultural, and religious factors influencing medico-legal autopsy practices. Addressing these challenges requires legal reforms, public awareness campaigns, and enhanced training for investigation officers to navigate the sensitive dynamics associated with postmortem examinations.

## **Material and Methods**

This study adopted a qualitative research approach to explore the issues and challenges faced by the police investigation officer during postmortem examinations in RTC case in Lahore. About the understanding behind the refusal to autopsy in RTC case in Lahore. The universe of this study incorporates investigation officers appointed in Lahore, Pakistan. Lahore is the most populous city in the province of Punjab. Lahore was selected because of the diverse and highly educated population along with high RTCs rate. Qualitative design focused on capturing rich, detailed data rather than generalizable patterns. Therefore 12 Investigation officers were recruited through purposive sampling technique. Inclusion criteria to recruit participants was numbers of fatal RTC cases, investigated (at least one case) during posting in Lahore. These officers somehow represent the entire Lahore because they were appointed in different police stations in Lahore and had investigated many RTC cases in each area. The relatively small sample size aligns with qualitative research norms,

prioritizing depth over breadth to capture detailed narratives and identify common themes among participants.

A semi-structured interview guide was the primary data collection tool, complemented by systematic observations. The interview guide covered all the steps from information about the postmortem. Open-ended questions encourage participants to share thorough information. Permission to collect data was obtained from the university's ethical review board and the police department. Interviews were conducted in Urdu to ensure participants' comfort, recorded with consent, and transcribed for analysis.

## **Results and Discussion**

The data identified that the investigation officers faced numerous issues and challenges during autopsies or postmortem examinations, especially in RTC cases. Data identified that post-mortem examinations often became a cause of tension between police investigation officers and grieving families. In RTC cases, the bereaved families tried their best to avoid postmortem examination and investigator have to complete legal procedure.

### **Refusal to medico-legal autopsy**

In the case of fatal road traffic collisions (RTCs), bereaved families frequently refuse to permit an autopsy when investigators request one. In some instances, families will go as far as refusing to register a case against the accused to avoid the autopsy. Many choose to forgive the accused on the spot, and when police attempt to take legal action, they encounter resistance. Despite the police's efforts to persuade families to consent to post-mortems, the majority remain opposed; as PIO-1 remarked, *"We try our best to convince the victim's family to undergo a post-mortem, but most of the time, bereaved families try their utmost to avoid it; only a few agree."* By law, the investigating officer is obligated to conduct a postmortem examination of the deceased in cases of suspicious or unnatural death and all necessary legal procedures to complete and submit the challan to the prosecution. So, they continue to urge relatives to comply. The data identified multiple public perceptions contributing to the avoidance of post-mortem examinations, including religious, social, and cultural beliefs, concerns about the condition of the deceased body, distrust in the justice system, procedural delays, and fears of organ extraction.

### **Reason behind the refusal to autopsy**

#### **Religious understanding**

Pakistan is a Muslim-majority country social and cultural base is on Islamic ideology. You cannot separate the social and cultural thinking from their religious ideology. Their legal, social, and cultural actions somehow reflect that ideology. According to the majority of the participant's officers, in most of the fatal RTCs, bereaved relatives refused to carry out an autopsy as well as any legal proceedings. A research participant, PIO-2, stated, *"In most of the fatal accident cases, relatives forgive the accused on the spot by considering the will of Allah, and refuse to file a case and refuse to conduct an autopsy."* According to the Islamic ideology, whatever happens in someone's life is written in his faith; no one can change it. So, whatever happened, it happened by the will of Allah. Another participant, PIO-5, shared a statement of a vehicular homicide survivor, *"The victim's relative said that whatever happened, is happened by the will of Allah, so I forgive the accused and don't want to register any case and autopsy."*

#### **The deceased's suffering after death**

Conception of the deceased suffering even after the death is another reason for the refusal of the autopsy. This concept is also based on the Islamic ideology of "life after death".

Participant PIO-3 shared an argument with a deceased uncle, *"The uncle of the victim refused autopsy by saying that we don't want to hurt the deceased further; he will receive pain and it sin"*. From this statement, it is clear that bereaved families consider any alteration in the body to cause harm to the deceased, which has some roots in Islam. Sheikh (1998) quotes the saying of Prophet Muhammad (P.B.U.H) that *"to break the bone of a dead person is like breaking the bone of a living person"*. Another participant officer, PIO-2, shared the same type of argument to refuse an autopsy, *"Many people don't do an autopsy because when the dead body is cut and open during the post-mortem, the deceased person suffers."* Chaim (1998) mentions about the scholar Abd al-Fattah that the disfigurement of the human body is considered as loss of dignity of the human body and sin." Some other scholars, Burton & Collins (2012) and Chaim (1998) reported the Islamic belief that the deceased body is God's possession and should be returned to Him in the best condition.

### **Social or Cultural Explanation**

Societal understanding is another reason for avoiding postmortem. Some people consider that if the postmortem has been done, it's their humiliation. A participant, officer PIO-7, shared his feelings the first time he heard the argument of the bereaved who belonged to the upper caste family and had a relation with some influential personals as *"What people say about us if we don't get the dead body without autopsy immediately, we don't want any legal proceedings. We are respected in the society"*. Some bereaved consider postmortem as humiliation of the dead body. Statement of the PIO-2 explained why the bereaved family was reluctant to do a postmortem and even registered the case as *"Post-mortem is considered to be humiliating especially when the body of a female, so they don't do it."*

### **Condition of the body**

In RTC cases, according to research participants, the majority of the victim's families refuse to conduct an autopsy by saying, *"Apparently, it seems that he died due to the accident, then why is it necessary?"* Some of the police officers also agree with this understanding that the condition of the body matters a lot in the decision to carry out an autopsy. A research participant, PIO-4, said, *"Sometimes the physical appearance of a dead body is so bad that we cannot even think about the postmortem; we are just waiting for the family member or the emergency services."* Another officer, PIO-12, said, *"In most of the cases, there is no need for a postmortem in RTC cases because, in many cases, the victim died due to his fault."* others talked about how much postmortem is necessary to prove the case court.

### **Extraction of body organs**

According to the majority of the responding police officers, extraction of the vital organs from the dead body during the postmortem is the most popular misconception. During the postmortem, different organs such as the heart, kidneys, eyes, bones and other vital parts are extracted from the body for different purposes. A participant PIO-8 – who was appointed for 4 years in the hospital to deal with legal cases – said: *"Majority of the victim's family members are doubted and asked whether the organ from the body of deceased will be extracted and for what"*. Another officer, PIO-4, shared a question asked by the deceased relative – working in traffic police –: *"Whether doctor extracts the body parts from the dead body?"*. Lack of awareness in the general public as well as in officials is depicted from the above statement, which is the result of trust and legitimacy of the justice system. The statement of participant PIO-13 re-enforces this conception about the humiliation of the body and extraction of the body parts. He said,

Do you know how an autopsy is performed? I have seen one. The doctor cut the body from the navel to the chest just like a goat, removing everything from the inside. Then cut the skull and put it back, including the bone, and remove everything from it. Then they sew it up with stitches.

### **Procedural delay**

Time taken during legal processes and the postmortem is another reason to avoid autopsy. PIO-8 – who remained in the hospital for 4 years as post in-charge, dealing with postmortem and MLCs – shared views of the co-victim son related to postmortem duration,

I don't have much time, all the things are ready, guest and other relative reach.... Grave is ready... I cannot wait for 5-6 hours or a day and start crying. Saying please give me the dead body of my father. It's late already please help me.

Oluwasola et al. (2009) mentioned cost, pending funeral arrangements and social stigma as explanations for refusal, that are aligned with above statement. Perception about the time taken to complete autopsy is somehow found true. According to a participant, *"if everything is ready and doctor start postmortem then it will take at least half an hour and a maximum of two hours"*. They also expressed the wish that if the initial processes don't take much time, then it is easy to convince the bereaved family for postmortem. In response to the question about the delay in different legal processes, one of the research participants PIO-9 justified their position by saying that *"delay in the legal procedures and postmortem processes is not as simple as it thinks and it's not in our hand."* PIO-8 described the procedure and situation in the dead house with a statement,

When we take the dead body to the dead house for autopsy, they put a number on it. Because our case is not the only one there, dead bodies of other cases are also there. So, as soon as the turn comes, they will do the post-mortem. Some dead bodies cannot be kept in the freezer and are in very bad condition that no one can even stand near these dead bodies. Therefore, preference goes there. If there is burden of the cases then the dead body may be kept for a day also which is a very troublesome situation for the bereaved family.

### **Due to a lack of trust**

Lack of trust in the justice system is another reason for not going for legal proceedings and postmortem. The lack of public trust is explained by the response from the bereaved father when PIO-7 tried to convince for an autopsy, *"disappointedly replied ... what will I get from this, I have lost everything, nothing is left for me, is this system give something to anyone, nothing! (crying) what will I get from..."* Another participant PIO-6 shared the thinking of a bereaved father whose son died in RTC with a car as

When I asked the bereaved father about the legal proceedings, he replied that how can I be involved in legal proceedings? It takes years to reach a decision. I am a daily worker, and I have no money to fight the case. I don't have any money to pay lawyer's fees. In the end, sir, they are rich, so justice is with them. I don't want any legal proceedings against them or a postmortem.

According to PIO-8, the low conviction rate and outcomes of the previous cases also became a reason for the lack of trust and avoidance of the postmortem. According to him sometimes co-victims refused to do a postmortem by saying *"what will, we get after that, what happened in the previous case of the road traffic accidents, why do we waste our time when there is nothing."* Dada, & Clarke, (2000) findings are aligned with this study that many families refuse to autopsy due to the lack of trust in system.

### **Why the investigator insists on postmortem**

A post-mortem is the legal procedure and the investigation officer must complete and submit its report with challan. Instead of grieved refusal, the police insist on postmortem or the court order. Data revealed that police insisted due to a lack of trust in the victim's family, because when they give the dead body without postmortem. There is the

clear ruling of the High Court and the Supreme Court, that no one returns a dead body without a postmortem. They went to the court for postmortem and filed a complaint also. A responding officer PIO-8 stated:

**Responding officer:** sometimes bereaved initially refuse and use different possible means to avoid post-mortem, but later they come with a court order, with an argument that our loved one is murdered and police don't allow us at that time.

**Interviewer:** what do you do then?

**Responding officer:** Nothing, it's the court order, so we have to do it, they also filed a complaint. Despite the exhumation, nothing was found. Therefore, our priority is the postmortem or court order to give back the dead body.

### **Bereaved behavior**

Co-victim's behavior in the hospital depends on the decision about the legal proceeding. According to research participants, if the bereaved family is serious about the legal proceedings, then they cooperate with the police. Their seriousness can be judged from complaints and decisions about the postmortem. According to the PIO-11, If the bereaved becomes ready for postmortem, he will be serious about legal proceedings. In this way their intention becomes clear. they remain calm and try to put their efforts to proceed faster and for the result according to their favor.

### **Way to avoid post-mortem**

#### **Legal procedure**

According to the majority of the participants, the bereaved try to get the body immediately. When they come to know that the bodies of their loved ones will not be returned without legal proceedings, then they become anxious. According to the majority of the participants, most of the bereaved families agree with the legal way to avoid the postmortem and get permission from the court. After the court order, the dead body will be given to the victim's family. Whatever the case is, if the bereaved family get the court orders, according to the PIO-3, the body will be given to the complaint. He shared a suicide case in which a young girl committed suicide and her family refused to do an autopsy. Her dead body was returned after the court orders.

#### **Protest to avoid postmortem**

According to the data from the investigation officers, sometimes the bereaved family start protesting against the police when they are asked about the post-mortem. A participant PIO-8 who worked as a post-in-charge in the hospital for three years. He shared an instance when the bereaved family was asked about the post-mortem or the court orders to avoid postmortem, An incident in which a woman was brought by the police for post-mortem, while bereaved family refused to allow an autopsy and wanted the body back without court order also. They were from the locality and had arrived there in large numbers. They forcibly lifted the dead body and placed it on the road to block the road. The concerned senior officers immediately arrived at the spot; after much debate and discussion, the police had to return the dead body to the family members on the road without any action or post-mortem. They also abuse the police.

#### **Pressure from the senior officers and politicians**

According to the research participants, police try their best for the postmortem but the bereaved family used whatever resources they can used to avoid postmortem.

Sometimes they make a phone to some senior police officials or politicians and they put pressure to get the body immediately without legal procedures. PIO-1 expressed his experiences as,

Near about in all road traffic accident cases, bereaved families try to get the body back immediately. They used their resources to their best. Instead of using the legal way, they call the local politician or any senior police officer. They also demand that their word should remain and be considered final. Officials can be handled easily and if it's necessary they allow us to proceed as per law, but the civil (local politicians) don't understand anything, they compel the senior officers and us to do what they want.

On refusal to give the deceased body without legal proceedings, bereaved family immediately they became angry, some of them start screaming and making noise in the hospital, sometimes if they were more in numbers and young ones, they start even fighting with hospital officials and police, sometimes they start protesting against the police and block the traffic. PIO-1 shared his experiences as,

When relatives come, they often make noise and fight. The deceased relatives are emotional and angry. They are mostly angry because of delay in handing over the dead body of the deceased by the police. It's done,.... it's done,.... it's late.... While the legal procedure will take time.

## **Conclusion**

In Pakistan, the bereaved families refused to allow postmortem in fatal RTC cases. Data highlighted that religious ideology is the most critical factor behind the refusal to allow autopsy by the bereaved family, followed by the lack of trust, extraction of body part, procedural delay, and humiliation of the dead body. Investigation officers are bound to complete legal procedure therefore autopsy became a source of tension between grieved family and investigators. Investigators are often pressurized by local political personnel and senior departmental officials to avoid legal procedures. After that grieved families took the deceased body without autopsy through court order, while rarely they have to face protest also.

## **Recommendations**

A comprehensive policy should be made to restore public trust and legitimacy in justice system. RTCs are not considered a public health issue by the public as well as concerned institutions. An awareness campaign should be launched to aware people about the adverse consequences of RTCs. At the time of autopsy professionally trained officers who have communication skills should be in the hospital to tell the bereaved family about the importance of medico-legal autopsy and impact on the case. A shorter version of postmortem/autopsy should be introduced to reduce the procedural delay and restore public trust. Trust deficit should be reduced by increasing the conviction rate and through accountability. A rumor about the extraction of vital organs is a serious ethical issue which should be addressed properly by introducing the policy to return the parts after examination for burial. Complex procedures should be re-designed and made simple. Institutional support should be made more effective and efficient.

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