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PSYCHOLOGICAL AUTOPSY

Lovleen Sharma*

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Abstract

The most unswerving technique to reconnoiter the correlation linking meticulous background of the departed and suicide is psychological autopsy. It is a process involving the restoration of the events which led to death by thorough examination to find causes, motives and circumstances of the deceased with emphasis on suicide risk factor. It provides a picture of the profile of victim and helps makes a relation between the chain of events and resultant act of death. It has a valuable contribution for public at large by providing an efficient method to understand the physic of an individual and circumstances before death which leads the examiner to find the cause of death.

Introduction

The term 'Psychological Autopsy' refers to the process of analyzing the psychological condition of the departed preceding his/her death by construction of events leading to death, wherein the cause of death is to be determined.[1] In this procedure the evaluation is made about what the person thought prior to the death, their personality and behavior in order to discover the reason of suicidal death.[2] Mental evidences are collected to elucidate unclear deaths and suicides.[3] Originally, it was a method to provide clarification regarding the manner in which death ensued in cases where cause of death is unknown or vague, factors which lead to death and information about the deceased by analyzing the mental and

* Assistant Professor, Vivekananda Institute of Professional Studies, Delhi, India.

1 Khan FA, Anand B, Devi M G, Murthy K K., *Psychological autopsy of suicide-a cross-sectional study*, 73(8) INDIAN J PSYCHIATRY 47 (2005).

2 Vasudeva Murthy C R, *Psychological Autopsy-A Review,* 3(3) AL AMEEN J MED SCI 177 – 181 (2010).

3 Geeta Saxena & Vineeta Saini, *Psychological autopsy- A Way to Revealing the Enigma to Equivocal Death* IJFSC Aug. 28, 2017 1-18 (2017).

bodily disorders suffered by the deceased. It is conducted by determining the psychological aspects of the victim by the method of interviews and investigators examine the documents to understand the actions, traits, routine, practice and history of the victim preceding to death.[4] In its quintessence, psychological autopsy denotes an autopsy analytical process that pursues to disclose the intent of the decedent through an in-depth reviewing assessment through designed interviews of informants as well as an examination of pertinent records.[5] The evidence is collected from the interview of members of family and contacts or person who was in touch with the deceased prior to the death. At present psychological autopsy is regarded as most consistent and effective to understand the cause of death.[6]

Objectives

The process of psychological autopsy targets towards attaining four objectives. The first objective is to give details regarding the circumstances which led to death as it helps the family to accept the reason of demise of the loved one and understand how the death has occurred. The second objective is to find consistency between the physical evidences and psychological evidences to know the clear state of facts. The third objective is to contribute in the direction of the investigation and progress of study to prevent the cases of suicide.[7] The last goal is to refine suicide assessment and prevention techniques with a goal to reduce the number suicides. The process is useful in cases of suicides, in understanding the motive and intention in crimes, in formulation of policies by institutions like prisons to prevent cases of suicidal deaths.[8]

Methodology

While conducting the investigation of death, the role of medical examiner being the forensic pathologist while conducting the autopsy is to define the reason of death by observing the circumstances of death and manner in which death has occurred.[9] The mental health professionals and behavioral science investigators possesses the expertise to evaluate a

4 Litman, R.E., *500 psychological autopsies*. 34 Journal of forensic Sciences, 638-646 (1989).

5 Isometsä et al., *Psychological autopsy studies--a review*. 16 Eur Psychiatry 16:379-85 (2001).

6 Kumar P, Ashok J, Sankar S, Sayiram S, Vasudevan *A. Psychological autopsy: The psychological assessment of an equivocal death. Sri Ramachandra*, 3 J Med 1-41 (2007).

7 Shivangi Joshi, Importance of Psychological Autopsy Legal Desire (Jul. 16, 2020), https://legaldesire.com/importance-of-psychological-autopsy/.

8 Khan, *supra* note 1.

9 Golda Sahoo, *Legal Validity Of Psychological Autopsy In Suicide Cases: A Medico-Legal Analysis*, 3(1) Indian Law Journal On Crime & Criminology, 2456-7280.

range of factors including the behavior, thoughts, feelings, and relationships of a person who is related to dead person to carry forward the basic purpose of determining the manner of death, reasons of death by assessing the lethality (suicide) and Psychotherapeutic value to the survivors.[10]

The investigation must always begin from the crime scene. It is recommended that the informants must be selected on case-to-case basis depending upon proximity with the deceased especially soon before death. Information may be collected from the best available sources. As much as possible, information should be gathered from authentic sources. To safeguard a correct balance amid the grief perseverance and recall bias, the ideal time for discussion seems to be 2-6 months. It is necessary that the process should respect the veracity of the deceased, allow processing of emotions, and give reasonable time to informants to respond to questions. The data collected is categorized into three classifications i.e., *Firstly,* fact-based data (age, marital status, occupation); *Secondly,* personal data (relations, routine, alcohol/drug use, causes of trauma); *Thirdly*, secondary data (family history, police records, diaries).

The US Perspective of Psychological Autopsy : Protocol to Conduct an Equivocal Death Interview

It is pertinent that the ethical codes and practices should be adhered to while gathering the data from the interviewers as the family of the deceased is sensitive regarding the information to be revealed and used for the purpose of investigation.[11] In order to get firsthand information which is free from tutoring and clear in the mind of the informant, the information should be collected within a time span of maximum six months[12] so that the quality of the information is maintained.[13]

The ethical considerations in an interview are very important as the honor of the departed need to be appreciated. The facts or issues which the family or friends of the deceased does not want to be revealed except for the purpose of investigation must not be revealed in the public domain, there should be non-disclosure of personal statement. The interviewer must

10 Davies, J.A, Emer, D.M, *Role of and technique in forensic psychology Forensic medicine: Clinical and pathological aspects*, 1(2) Journal of Medicine 705-721 (2003).

11 Beskow J, Runeson B, Asgard U., *Psychological autopsies: Methods and ethics. Suicide Life Threa*t, 20 Pub Med 307–23 (1990).

12 Seguin M, Lesage A, Turecki G, et al. *Life trajectories and burden of adversity: Mapping the developmental profiles of suicide mortality,* 37 Psychol Med 1575–83 (2007).

13 Brent D, Perper J, Kolko D, et al. *The psychological autopsy: Methodological considerations for the study of adolescent suicide*, 6 J Am Acad Child Adolesc Psychiatry 27-362 (1988).

make the schedule of the interview in a very flexible manner to accommodate the time and convenience of the informants, especially keeping in mind the loss of the loved one of the informant. The communication can be made through electronic mediums or a phone call to avoid the delay and refusal rate.[14] The privacy of the informant should be ensured by the interviewer by developing a relation of trust and confidence. It is the duty of the interviewer to take informed consent and maintain confidentiality and anonymity of the informants and the information.[15] The interviewer needs to possess certain skills like clarity of language both verbal and written, decent language, and writing verbatim as has been informed by the informant, simple questions should be asked. It has to be ensured that the information is not exaggerated. It should also not be added or deleted. Intentional or unintentional false information can be given by the informant, a cautious approach should be there while the interview is being taken.[16] The information should be recorded after taking the consent of the informant to add to credibility of the statements.

Case Studies - USA

In this case, a British lady, married an American soldier based in England, where their first child was also conceived and born. The second child, also conceived in England, was born after the couple had returned to the United States. The husband proved to be one of the strangest and rare sexual psychopaths encountered by this examiner. The defendant had repeatedly left family in an attempt to escape but was returned by the husband, habitually with force. She was unable to return to her native England because, while the older child had been born in England and thus had English citizenship, the younger child had been born in the United States and could thus not be removed without the father's consent. During the few years of their marriage, the husband's paranoid tendencies became more and more apparent. Finally, on the night of the killing, he had quite suddenly stated that he was convinced that both of his children were fathered by his brother, who had never been in England, and that these two little bastards would have to be murdered. He gave the wife a choice among having the children strangled, drowned or shot - but emphasized that they would certainly be dead the next morning. After the husband fell asleep, the defendant then shot and killed him. The psychiatric autopsy revealed that the victim had been hospitalized in a military hospital where the physicians had been aware of his psychosexual deviations and tendency toward violence. The defendant had been hospitalized in a private psychiatric

14 Saxena & Saini, *supra* note 3.

15 British Psychological Society, *Ethical aspects of psychological autopsy*. 84 Acta Psychiatrica Scandinavica 482-487 (1990).

16 Hawton, K., Appleby, L., Platt S., Foster, T., *The psychological autopsy approach to studying suicide: a review of methodological issues,* 50 Journal of Affective Disorders 269-276 (1998).

hospital for a short time as a result of the torture and abuse inflicted by her husband, a classic case of wife battery. All this was well documented. In addition, numerous neighbors came forth with testimonies that they had repeatedly seen the defendant with black eyes, bruises and other types of injuries, and that she had bitterly complained about this abuse by her husband and had pleaded for help. The fact that the deceased's brother could not possibly have been the father of the two children was proved without any doubt. Under these circumstances, the finding of the deceased was one of sexual psychopathy, paranoid personality, finally progressing to a true paranoid psychosis, with displays of extreme violence, wife battery, sadistic tendencies and the distinct possibility of homicide. Since very little could be found in the literature to justify a psychiatric autopsy on the victim in criminal proceedings, a famous work of fiction, supposedly based upon fact was introduced, the novel by the Austrian author, Franz Werfel, "*Not the Murderer but the Murdered is Guilty*".[17] The presiding judge consulted on two different occasions with all the judges hearing criminal cases in this jurisdiction before permitting the psychiatrist to testify, who dealt exclusively with the victim and not with the defendant. While the charge was one of "*murder, open*," the jury returned a verdict of voluntary manslaughter, which was upheld upon appeal to a higher court.[18] Within a few months after this case, which received some publicity, two other and rather similar cases came to trial. One was a slightly retarded black woman, age 35, who had killed her common-law husband, who in the past had beaten her repeatedly, once shot her very seriously, and had made numerous threats against her life. On that particular occasion, he had been drinking, again displayed violence and further threats toward the defendant, whereupon she shot and killed him. The psychiatric autopsy of this victim revealed a propensity toward excessive drinking, gambling, assaults and violence. It revealed that the defendant was justified in her fear for her life, since it was not unreasonable to assume that the victim may have proceeded to homicide, and that the defendant acted like other reasonable persons may have acted under similar circumstances. While the charge was one of murder, the jury returned a verdict of voluntary manslaughter, with ten years' probation, without any term in j ail if the defendant abides by the terms of probation.[19] The third case concerned a 20-year-old black man, who shot and killed his step-father, who on that particular night had gone with an axe after the defendant's mother, the victim's wife, in an attempt to force her out of her locked car where she was trying to protect herself against his homicidal threats. In the past the victim had very frequently assaulted, battered and injured his wife, at one time fracturing her nose, assaulted and

17 Franz Werfel Franz: Nicht der Morder. Der Ermordete ist Schudig. eine (K. Wolff, Munchen) (1920).

18 State of Arizona v. Wendy Irene Anne Jones (1976) U.S.T. 13 Cr. No. 93879 (U.S.).

19 State of Arizona v. Ida Mae Jones. (1978) U.S.T 27 Cr. No. 98666 (U.S.).

injured the wife's 13-year-old daughter, his step-daughter, necessitating hospitalization of the child, and made numerous threats, at times with knives, against the lives of all of his family members. The psychiatric autopsy of the deceased revealed a boisterous, aggressive, self-centered, domineering, tyrannical person, who spent most of his time drinking in a veterans' club, without evidence that he had ever been in the military service. It further proved numerous acts of violence and threats of violence while at work, so that most of his coworkers and acquaintances were afraid of him and frequently had to interfere when he lunged at or assaulted some of his companions in the barroom or at work. The evidence revealed that he had had one psychiatric hospitalization for alcoholism, at which time assault and violence were recorded. He reacted to the extreme in any argument and could not brook any differences with his demands and opinions. The diagnosis of chronic alcoholism in a paranoid personality, with episodic acute intoxications, manifestations of prior serious violence, and possible homicidal tendencies was made. The jury returned a verdict of not guilty and freed the defendant,[20] possibly on the basis that he was acting in defense of his mother, partially also in self-defense, and that he was justified in his fear of the assaults and threatened assaults committed by the victim, and that the past history of the victim amply demonstrated his dangerousness.

Status of Psychological Autopsy in India

In India, the use of process of psychological autopsy in investigation process is in its nascent stage. Though it has been used in various criminal cases but it is still in developing stage both theoretically and in its practical application.

Legislative Provisions

In Indian legal system all the forensic reports or expert's opinion or opinion of third party when relevant, are admissible under Section 45. In India, the Courts have the discretion to consider the result of reports of psychological autopsy under Section 45 and 51 of the Indian Evidence Act, 1872 as it provides for expert opinion. Section 45-51 provides for relevancy of opinion of third persons. These provisions are exceptional in nature as in general practice evidence of those facts can only be given which are in the knowledge of witness but under these sections' expert evidence becomes important as in order to form opinion on technical and professional matters Court exercises its discretion to consider the opinion of experts.[21] Also whenever the opinion of any living person is relevant, the

20 State of Arizona v. Robert Lee Carruthers. Jr., (1978) U.S.L.R 134 42 Cr. No. 100359 (U.S.).

21 The Indian Evidence Act, 1872, No. 1, Acts of Parliament, § 45.

grounds on which such opinion is based are also relevant.[22]

Indian Cases – Psychological Autopsy

In the 2006 Nithari Case,[23] forensic psychologists were also involved in the inquiries of the dishonorable 2006 Nithari killings, where 19 dead bodies were found in the backyard of Moninder Singh Pandher's house at Nithari village in Noida, Uttar Pradesh. He was charged with murder and rape.

In the Sunanda Pushkar[24] case of 2014, the famous Indian businesswoman who was also the spouse of a former Indian diplomat and politician Shashi Tharoor was found dead in inexplicable state of affairs in hotel room. The post mortem report revealed it as a sudden and unnatural death while investigating team suspected a suicide. The Special Investigation Team (SIT) conducted a psychological autopsy by interviewing her family members and friends to comprehend the psychological state of the deceased and to investigate the conflict between her and her husband. Shashi Tharoor was charged for the offence of abetment of suicide of his wife Sunanda Pushkar.

In the Burari[25] case of 2018, the entire country was traumatized when the mass suicide of 11 family members was reported in the Burari area in Delhi. The ten family members were found hanging under strange conditions while the oldest member of the family was strangled. The psychological autopsy was conducted by the Police of Delhi as they found certain books at the crime scene to apprehend the psychological condition of the victims which helped them to find the reason of mass killing. The police finally concluded that it was a case of a ritual gone wrong thus leading it to 'mass suicide'.

Shortcomings of the Procedure

The approaches adopted for the evaluation are uncertain which questions the admissibility of psychological autopsy as evidence in the Courts due to shortage of uniform devices

22 *Id.,* § 51.

23 Shilekh Mittal et al., *Psychological Aspects of Serial Killings,* 7(2) Journal of Punjab Academy of Forensice Medicine and Toxicology 58-60 (2007).

24 Sumit Kumar Singh, *Sunanda Pushkar death case: SIT relied on forensic psychological autopsy*, DNA India (May. 15, 2018) https://www.dnaindia.com/delhi/report-sunanda-pushkar-death-case-sit-relied-on-forensic-psychological-autopsy-2615149.

25 HT Correspondent, *Psychological autopsy of Delhi's Burari family confirms suicide,* Hindustan Times (Sep. 14, 2018), https://www.hindustantimes.com/delhi-news/burari-psychological-autopsy-confirms-suicide/story-tJ2OYJFVNbhtvFgmy19rJK.html#:~:text=The%20psychological%20autopsy%20report%20of,suicide%2C%20police%20said%20on%20Thursday.&text=Strangulation%20marks%20on%20Devi's%20neck,to%20register%20a%20murder%20case.

and methods, biasness on the part of the informant, time gap between the incident and the interview.[26] The information linked to victim's psychological situation and behavior may be misleading by the third-party informants who are interviewed by the psychologist either purposely or unconsciously.[27]The reliability of the statements of informant is also questionable as they may be unacquainted with specific issues or may deliberately suppress information.[28]

Conclusion

It is a reliable method for the field of forensic science that empowers our investigation team to solve the crimes. The analysis of developments made in USA regarding the concept can be appreciated and adopted in India. In Indian framework, the acceptance of the concept is farfetched as there is lack of research work[29] in the field. At present, evidence collected by the procedure can be of corroborative value and not substantive value as the concept has lacunas like bias in the perception of informant, the want of skill and knowledge of interviewer. Also, the structure and method of procedure needs to be well defined and consistent in all cases. As regards the admissibility and evidentiary value in Indian law, the procedure can be covered under the criteria of expert evidence and Courts can take into consideration the result of the procedure but Courts are not bound by it. The psychological autopsy report becomes admissible since it may be the only available tool to be verified by the Court as the nature and mental condition of the deceased can be informed to the Court only by the informants, it also gains importance under evidence law by applicability of Rule of necessity.

26 Snider JE, Hane S, Berman AL. *Standardizing the psychological autopsy: Addressing the Daubert standard,* 36(5) Suicide Life Threat Behav 1-45 (2006).

27 Murthy, *supra* Note 2.

28 Menon V, Varadharajan N, et al' Psychological autopsy: Overview of Indian evidence, best practice elements, and a semi-structured interview guide, 62(6) Indian J Psychiatry 631-643 (2020).

29 Snider *supra* note 26.