

# Legal Aspects of Death

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**Abstract-** Forensic science plays a big role in the criminal justice system. Criminal investigations rely on technical methods to figure out if a crime happened, when it occurred, how it happened, and who was involved. In cases where someone dies, it's very important to find out when they died, why they died, and how. The postmortem examination report is a key part of the case because it's the main piece of evidence the case depends on. Generally, courts only accept medical evidence if it helps support the prosecution's argument. This article looks at how post-mortem exams help confirm and clarify the cause of death and the diagnosis, as well as how the autopsy report is used as evidence in the criminal justice system. The paper also talks about when a post-mortem examination report is considered as evidence in court and how the court handles such evidence. The value of the post-mortem report in court proceedings is explained through this research.

The aim of the paper is to study the manner and cause of death, evaluate the evidence from the autopsy, and examine how the courts deal with autopsy reports. Forensic science is vital in modern criminal investigations and the judicial system. Medical science is also very important in the criminal justice system. It helps determine if a suspect is guilty and confirms different facts in a case by testing various types of evidence collected during an investigation. A prosecutor or a judge is an expert in law but may not be familiar with scientific or technical details. Because of this, the courts often turn to experts in science and medicine for their opinions.

## INTRODUCTION

The legal aspects of death involve determining when and how death occurs, as well as the legal consequences of death. This includes defining death, determining the time and cause of death, and understanding legal presumptions related to death, such as when someone is legally presumed dead. The

term “forensic” comes from the Latin word “forēnsis,” which means of or before the forum<sup>1</sup>

The history of this word dates back to Roman times, during which the person accused of a crime was presented before a group of individuals in the forum<sup>2</sup>. It links the Criminal with the crime through objects left by him at the scene and with the victim or carried from the scene and victim<sup>3</sup>. The legal aspects of death encompass a range of issues related to the law's treatment of death, dying, and the deceased. This includes:

### Key Areas

1. Definition of Death: Legal definitions of death, including brain death and cardiopulmonary death.
2. End-of-Life Care: Laws governing advance directives, living wills, and medical decision-making.
3. Euthanasia and Assisted Suicide: Legal frameworks surrounding voluntary and involuntary euthanasia, as well as assisted suicide.
4. Death Investigation: Laws governing autopsies, death investigations, and the role of medical examiners and coroners.
5. Funeral and Burial Laws: Regulations governing funeral homes, burial practices, and the handling of human remains.
6. Inheritance and Estate Law: Laws governing the distribution of assets and property after death.
7. Wrongful Death: Legal claims arising from death caused by another's negligence or intentional act.

### Legal Aspects of Death:

- Criminal Law:

<sup>1</sup> <https://benthamopenarchives.com/contents/pdf/TOFORSJ/TOFORSJ-1-26.pdf> (last visited May. 08, 2025).

<sup>2</sup> <https://www.rankred.com/types-of-forensic-science> (last visited May 08,2025)

<sup>3</sup> <https://www.ijert.org/papers/IJCRT2410400.pdf> (last visited May 08,2025)

Causing the death of another person can lead to criminal charges, ranging from manslaughter to murder, depending on the circumstances and intent.

- **Civil Law:**

In some cases, wrongful death lawsuits can be filed against those responsible for causing a death due to negligence or other legal breaches.

- **Organ Donation:**

Laws and regulations govern the process of organ donation, including the definition of brain death and the requirements for consent.

- **Healthcare:**

Legal issues related to end-of-life care, including the right to refuse treatment, advanced directives, and the use of palliative care, are important aspects.

- **Post-Mortem Changes:**

Understanding post-mortem changes is important for determining the time of death and for legal investigations.

#### Importance

Understanding the legal aspects of death is crucial for:

1. Medical Professionals: Navigating end-of-life care and medical decision-making.

2. Individuals and Families: Planning for end-of-life care, estate planning, and navigating the legal implications of death.

3. Legal Professionals: Advising clients on matters related to death, dying, and estate planning.

The legal aspects of death are complex and multifaceted, requiring consideration of ethical, medical, and social implications.

#### Defining Legal Death:

- **Irreversible Cessation of Life:**

Legally, death is defined as the permanent cessation of life, meaning the body's vital functions, such as breathing, heart function, and brain activity, have ceased completely and cannot be restored.

- **Brain Death:**

In some jurisdictions, brain death, the irreversible loss of brain function, is considered a legal definition of death, even if the heart and lungs continue to function artificially.

- **Cardiopulmonary Death:**

The cessation of the heart and lungs, without any possibility of resuscitation, is another recognized legal criterion for determining death.

#### Determining the Manner of Death:

- **Natural Death:** Death due to natural causes, such as illness or old age<sup>4</sup>.

- **Accidental Death:** Death caused by unforeseen circumstances, like an accident.

- **Suicide:** Death caused by an individual intentionally taking their own life.

- **Homicide:** Death caused by another person.

- **Pending/Undetermined:** Cases where the manner of death cannot be definitively determined<sup>5</sup>.

#### Legal Implications of Death:

- **Property and Inheritance:**

Determining the exact time of death is crucial for resolving legal issues related to property, inheritance, and wills, as these matters are often triggered by a person's death.

- **Criminal Investigations:**

In cases of homicide or suspicious deaths, forensic investigations are conducted to determine the cause and manner of death, which are essential for criminal investigations and prosecutions.

- **Organ Donation:**

Legal frameworks govern organ donation, including the criteria for determining brain death and the procedures for obtaining consent for organ donation.

In any case of death, a Magistrate may conduct an inquest, instead of or in addition to the police inquest (S.176, Cr.P.C)<sup>6</sup>

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<sup>4</sup> <https://www.policybazaar.com/term-insurance/term-insurance-terminology/death-benefit> (last visited May 09,2025)

<sup>5</sup> <https://sudc.org/understanding-cause-and-manner-of-death> (last visited May 09,2025)

<sup>6</sup> <https://sifisheressciences.com/journal/index.php/journal/article/download/1653/1693/3221> (last visited May 10,2025)

Medico-Legal Aspects:

- Autopsy:

Autopsies are often performed to determine the cause and manner of death, particularly in cases of suspicious deaths or deaths due to violence.

- Forensic Toxicology:

Toxicology testing is used to identify the presence of drugs, alcohol, or other substances that may have contributed to the death.

- Evidence Collection and Preservation:

Proper collection and preservation of evidence at the scene where someone dies is very important for legal cases.

In India:

Registration of Births and Deaths Act, 1969: This act regulates the registration of births and deaths, including the definition of death, says the website<sup>7</sup>.

IPC: Section 46 of the IPC defines “death” for legal purposes<sup>8</sup>.

Transplantation of Human Organs Act, 1994: This act defines brain death and regulates organ donation.

Medical Council of India (MCI): The MCI provides guidelines and regulations for medical professionals, including those involved in determining death.

Classification of death:

Death can be classified by its cause, manner, or type. Cause refers to the underlying medical condition or event leading to death, while manner describes the circumstances of the death (e.g., natural, accidental, suicide, homicide). Type often distinguishes between different stages or aspects of death, such as clinical, brain, or social death.

1. Cause of Death:

Natural: Due to disease, aging, or natural bodily processes.

Accidental: Events or injuries that happen without intent, such as car crashes or slipping and falling.

Homicide: Death caused by another person’s intentional actions.

Suicide: Intentional self-inflicted death.

Undetermined: When the cause or manner of death cannot be determined.

2. Manner of Death:

Natural: As described above, resulting from natural causes.

Accidental: As described above, unintentional deaths.

Suicide: As described above, intentional self-inflicted death.

Homicide: As described above, death at the hands of another<sup>9</sup>.

Undetermined: When the circumstances are unclear.

3. Types of Death:

Clinical Death: A reversible state of cardiac arrest where breathing and heart function have stopped.

Brain Death: When all functions of the brain, including the brainstem, stop completely and cannot be reversed.

Social Death: A person’s death is acknowledged by society, such as the death of a prominent figure.

Molecular or Cellular Death: The death of individual cells or molecules within the body.

4. Stages of Death (Postmortem Changes):

Pallor Mortis: Skin becomes pale due to lack of blood circulation.

Algor Mortis: Body temperature gradually decreases.

Rigor Mortis: Muscles stiffen and contract.

Livor Mortis: Blood pools in the lowest parts of the body, causing discoloration.

A forensic pathologist upon studying the scene of death can inform the investigating officers about the nature of death whether it is natural or some disease or inflicted injury<sup>10</sup>.

Phases of death:

The phases of death involve both the psychological process of grieving and the physical changes that

<sup>7</sup><https://censusindia.gov.in/nada/index.php/catalog/40408> (last visited May 10,2025)

<sup>8</sup> <https://indiankanon.org/doc/1474653> (last visited May 10,2025)

<sup>9</sup> <https://properdefenselaw.com/homicide> (last visited May 11,2025)

<sup>10</sup> <https://www.webmd.com/mental-health/addiction/what-is-a-toxicology>.]The evidence of doctor or an expert is Only an opinion which is corroborative.[4.Supra Note, at,2 page no, 167

occur in the body as death approaches. The five stages of grief, as proposed by Elisabeth Kübler-Ross, are denial, anger, bargaining, depression, and acceptance<sup>11</sup>. Physically, the dying process can be characterized by three stages: early, middle, and late.

Psychological Phases (Stages of Grief):

Denial: Initial shock and difficulty accepting the reality of death.

Anger: Frustration and resentment towards the illness, medical professionals, or oneself.

Bargaining: Attempting to negotiate with a higher power or fate for a change in circumstances<sup>12</sup>.

Depression: Feelings of sadness, loss, and hopelessness.

Acceptance: Acknowledging the inevitable and finding a way to cope with the loss<sup>13</sup>.

Physical Phases (Stages of Dying):

Early Stage: Gradual decline in appetite, energy, and responsiveness.

Middle Stage: More pronounced changes in breathing, circulation, and temperature regulation.

Last Stage: Deepening changes in consciousness, slowing of vital functions, and potential for seizures or delirium.

Important Considerations:

Non-Linear Progression:

The stages of grief are not necessarily experienced in a linear order, and individuals may fluctuate between them.

Active Dying:

The final hours or days of life, characterized by significant physical changes and decreased awareness.

## CATEGORIES OF DEATH

### 1. Legal Death

There are a few controversies surrounding the Topic of legal death among health<sup>14</sup> Professionals and the general public. The Main issues argued amongst bioethicist Include but are not limited to; non-heart-Beating organ donation, the criteria for determining death for adults versus infants, And whole-brain versus higher-brain versus Brainstem death<sup>15</sup>.

•Non-heart-beating organ donation: Non-Heart-beating organ donation or NHBD is

The procurement of organs after cardiac Death. Cardiac death is determined after a patient has suffered cardiac arrest for two to five minutes.

•Whole-brain vs higher-brain vs brainstem criteria: Deciding on which criteria to

follow for determining brain death is still heavily debated today<sup>16</sup>. Whole-brain criteria are the standard most countries follow including the United States. Under the whole-brain death criteria, all functions of the brain including the brainstem must be ceased. The brainstem criteria differ from the whole-brain formulation, in that only the brainstem function is ceased. The brainstem is responsible for breathing and carrying out somatic regulatory functions.

•Cardio Respiratory Death: It's a Continuous and persistent cessation of heart Action and respiration<sup>17</sup>.

•Somatic Death or Clinical Death: It's a Complete and irreversible cessation of vital Function of brain followed by cessation of Functions of heart and lungs.

•Molecular or Cellular Death: It happens Three to four hours after somatic death when Tissues and cell die.

•Apparent Death or State of Suspended Animation: It's a transient loss of Consciousness or temporary cessation of Vital functions of the body.

<sup>11</sup> <https://quizlet.com/study-guides/growth-and-development-final-review-7ace1b9f-8b1d-45a9-af9f-49de78572e38> (last visited May 11,2025)

<sup>12</sup> <https://www.shapironegotiations.com/negotiations/what-is-bargaining-power> (last visited May 12,2025)

<sup>13</sup> <https://medium.com/the-%25C4%2587or%25C3%25A9tanist/dealing-with-grief-to-suffer-or-to-accept-149e88404398> (last visited May 13,2025)

<sup>14</sup>[https://www.wikiwand.com/en/articles/Legally\\_dead](https://www.wikiwand.com/en/articles/Legally_dead) (last visited 13,2025)

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<sup>16</sup> [https://en.wikipedia.org/wiki/Legal\\_death](https://en.wikipedia.org/wiki/Legal_death) (Last visited May 14,2025)

<sup>17</sup> <https://quizlet.com/ph/833215444/iv-medicolegal-aspects-of-death-flash-cards> (Last visited May 14,2025)

The Trial Court, when delivering the verdict of guilt, noted that a medico-legal post mortem examination is a key part of the prosecution's evidence. Because of this, it is necessary that the examination is done by a doctor who is both qualified and has a lot of experience.

## 2. Civil Death

Sometimes a person can be declared dead even without any remains or a doctor's confirmation. This happens under one of two situations. The first is when a person was known to be in grave danger when last seen, and they can often be declared dead shortly after. For example, the passengers of the Titanic who weren't rescued after the ship sank. The second case is when a person hasn't been seen for a certain period and there's no evidence they're alive. Presumption means making a judgment based on possibility or using facts that support that possibility. If that possibility is strong enough, then it can be treated as a fact.

In legal terms, a presumption is an inference made by the court about the existence of certain facts.

These inferences can be positive or negative and are drawn from the circumstances using the best possible reasoning. The basic rule is that when one fact or situation is considered as the main fact, and it proves another related fact, then that fact can be presumed true until it's proven otherwise. Section 114 of the Indian Evidence Act deals with this idea, allowing the court to assume a fact is true if it seems likely based on common occurrences of natural events, human behavior, and business practices in the context of the case.

### Presumption of Civil Death:

Sections 107 and 108 of the IEA deals with presumption of death.

This is when a person has been missing for many years, and the law assumes they are dead. Section 108 specifies that the person must not have been seen or proven to exist in society for at least seven years.

In the case of *Balambal v. Kannammal*, the court said that the presumption of death can only be used if the death or absence of the person is proven when the presumption is raised.

In *T.K. Rathnam v. K. Varadarajulu*, the judge's dissenting opinion noted that the presumption of the

person's existence or death is always open to being challenged.

### Modes of Death:

Coma, Syncope, and Asphyxia are the three common forms of death.

1. Coma: In this condition, death results primarily from the failure of the brain's vital centers. During a post-mortem, injuries to the brain can be identified. The causes of coma include:

- Depression of vital centers due to poisons like opium, barbiturates, alcohol, or carbolic acid.
- Brain vital centers affected due to conditions like epilepsy, uremia, hepatic coma, heatstroke, or hypothermia.

2. Syncope: When someone dies mainly because of heart failure, it's called syncope. It can happen for a few reasons:

- A lot of blood loss from sudden and severe bleeding, like when a large blood vessel or internal organ such as the liver, heart, lungs, or spleen ruptures.

This could be from an aortic aneurysm or varicose veins. The bleeding can be outside the body if blood leaks out, or inside the body if it builds up in an organ or a broken bone like the femur.

- Heart failure can occur when the heart muscle weakens, which can happen due to heart attacks, heart infections, or diseases like cardiomyopathies.
- The heart might stop working if there's a sudden blow to the head, chest, or groin, or if someone experiences a shock, a blood clot, or pressure on the carotid sinuses.

-Another cause is drinking a lot of cold water when very hot. During this time, the person might look pale, their heart might beat quickly but weakly, and their breathing might be fast but shallow. Eventually, they become unconscious and die.

After death, the body appears pale, the heart is contracted with empty chambers, and all the organs look pale.

3. Asphyxia: When the lungs can't get enough oxygen, it stops the heart and brain from working, causing death. This is called asphyxia. This can happen due to blockage of the airways like from foreign objects, bronchospasm, suffocation, or drowning.

People at high altitudes where there's less oxygen, or those poisoned with substances like cyanide, can also

die from asphyxia. Chest injuries that collapse the lungs or cause lung embolism, or conditions like tetanus and cold, can also lead to asphyxia. Some poisons like strychnine, barbiturates, and opium can cause it too.

Asphyxia has three stages.

- The first stage is when a person can't breathe in, leading to anxiety, a heavy head, and ringing in the ears. The lips turn blue, the eyes bulge, blood pressure goes up, and the person loses consciousness within a minute.
- The second stage involves trouble breathing out because of too much carbon dioxide and not enough oxygen<sup>18</sup>. This causes faster breathing, convulsions, and loss of control of body parts. The hands and feet may turn blue, and fluid might leak into the lungs and mouth. This stage lasts one to two minutes, and there's increased saliva, heart rate, and stomach movement. Urine, stool, and semen might be expelled.
- The third stage is exhaustion and complete breathing failure, lasting about two to three minutes. The brain and breathing centers fail, leading to brain damage. Breathing stops, but the heart might beat for ten to fifteen more minutes. Eventually, the heart stops too.

#### CAUSES OF SUDDEN DEATH

Sudden death can happen because of natural or unnatural reasons.

If someone dies under suspicious circumstances, the police or a magistrate must investigate, and a medico-legal autopsy should be done. Even if the death is suspected to be natural, an autopsy is still recommended to find out the exact cause because these deaths are not witnessed. Unwitnessed sudden deaths can raise doubts about foul play.

Natural causes of sudden death can be various. Some common ones include coronary artery disease, myocarditis, and cardiomyopathy, which can be found during an autopsy. However, sometimes the cause of death might not be clear even after the autopsy. In

many cases, looking into the person's medical history can help uncover any genetic factors involved.

Around 80% of sudden natural deaths are related to the heart, and most of those are caused by coronary atherosclerosis, which leads to ischemic heart disease. Diagnosing sudden cardiac death is a key part of forensic work, especially because it's easy to misidentify an external cause of death as a sudden cardiac event<sup>19</sup>. Coronary stenosis with abnormal heart muscle is a significant finding during an autopsy and can lead to sudden death.

Some less common causes of sudden death include ruptured ectopic pregnancy, electrolyte imbalance, procedures in the uterus, spontaneous rupture of the urinary bladder due to an enlarged prostate, and sudden loss of large amounts of fluid from body cavities like the pericardial, pleural, and peritoneal spaces.

Other conditions such as pyogenic meningitis, acute hemorrhagic pancreatitis, and hypothermia can also lead to sudden death.

All deaths caused by asphyxia, such as hanging, strangulation, suffocation, and drowning, are considered violent.

Additional Considerations:

Organ Transplantation: Organs cannot be taken from a living person, and for organ donation to be legal, the person must have died.

Assisted Suicide: The legality of assisted suicide varies by region. In some areas, it is allowed for people with terminal illnesses.

Custodial Deaths: The state has a responsibility to protect people in its care. If this responsibility is not met, there may be legal consequences. This was shown in the Nilabati Behera case.

Case Laws:

Nilabati Behera V. State of Orissa: (1960)

This Supreme Court case set a precedent for compensation in cases of custodial deaths.

It highlighted the state's duty to protect individuals in custody and emphasized strict liability for such deaths.

18

<https://my.clevelandclinic.org/health/diseases/24393-obesity-hypoventilation-syndrome> (Last visited May 14,2025)

19

<https://my.clevelandclinic.org/health/diseases/sudden-cardiac-death> (Last visited May 14,2025)

Balram Prasad vs. Kunal Saha & Ors.(2013)

This case involved a medical negligence claim.

The court awarded compensation to the husband for his wife's death, which was caused by medical negligence.

Girishbhai Maganlal Pandya vs. State of Gujarat:(2015)

This case dealt with the accidental death of a minor due to the negligence of the accused.

Shri Uttam Sarkar vs. The Management of Tura Christian College:(2014)

This case likely involved a claim linked to the deceased's death, possibly due to negligence or other factors.

Sri Pulak Saha vs. The State of Tripura: (2021)

This case looked into the circumstances of an unnatural death and potential medical negligence.

Meera vs. State of Rajasthan:(2024)

In this case, the doctor admitted that medical records were destroyed, and there was no entry in the hospital's outdoor register about the deceased being admitted.

The postmortem report also lacked the outdoor ticket number. The court ruled that no documentary evidence supported the doctor's claims. He had destroyed his original notes, even though the case was medico-legal. In one case, postmortem notes were not considered evidence, while in another, they were given more weight. This shows the controversy around the use of postmortem records.

#### CONCLUSION

Determining the time of death is crucial for forensic investigators, especially in criminal and civil cases where it can support or contradict the actions of suspects.

This is not just for criminal investigations; it can also matter in civil cases, such as insurance claims or property inheritance. Collecting crime scene evidence can predict arrests, and examining the evidence can lead to charges, convictions, and sentencing. Forensic evidence does not generally affect guilty plea decisions. More research is needed to understand how forensic evidence is handled across different types of crimes and the factors that influence evidence collection, submission, and examination. Forensic

science is an important part of the criminal justice system, especially with new tools and techniques used in autopsy reports.

There is a need for the judiciary to treat expert witness testimony on par with government scientific reports. It is also important to avoid having the same medical officer who conducted the autopsy attend the case unless there is a special reason. In the end, we recommend using new tools and techniques in forensic science, and ensuring police investigations are fair and speedy.

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