

TEN YEARS OF RETROSPECTIVE PROFILING OF THE ABANDONED FETUSES AND NEWBORNSJASPINDER PRATAP SINGH¹, KULDIP KUMAR¹, AASHISH SHARMA*

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Received: 04 February 2023, Revised and Accepted: 20 March 2023

ABSTRACT

Objectives: Despite the problem being present in every corner of our country, research studies are scarce on the topic of the abandonment of fetuses or newborns. In this light, this research seeks to look at the prevalence and autopsy profiling into the cases of abandonment of newborns/fetuses and the possible suggestions.

Methods: The present 10 years prospective study was conducted to observe the profiling of the abandoned newborns/fetuses after taking permission from the institutional ethical committee. The records of all the medico-legal autopsies conducted under 317 IPC at Government Medical College, Amritsar, from January 2014 to February 2023, were analyzed.

Results: The total number of autopsy cases conducted under 317 IPC. In the present study, 02 (9.1%) females were known cases, while among the unknown cases, there 06 (27.3%) were males and 14 (63.6%) were female. Most cases were females, 16 (72.7%) and 6 (27.3%) were males. The maximum number of cases reported in 2019 was 4 (18.2%), while 03 (13.6%) were reported in 2016 and 2021, respectively. The most common were homicidal deaths in 14 (63.6%) cases, followed by natural deaths in 5 (22.7%) cases, and the cause of death could not be ascertained in 3 (13.7%) cases.

Conclusion: Whatever the reason or motive for the newborn or fetuses' abandonment, this issue needs urgent attention.

Keywords: Abandoned newborns, Female foeticide, Abandonment, Viability.

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INTRODUCTION

As long ago as biblical times, when baby Moses was placed among bulrushes, mothers who could not keep their infants viewed abandonment as their only alternative [1]. As per section 317 Indian Penal Code, Exposure and abandonment of a child under 12 years by a parent or person having care of it-Whoever being the father or mother of a child under the age of 12 years, or having the maintenance of a such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to 7 years, or with fine, or with both [2].

The word abandonment means to forsake, leave, desert, left cared or unattended to. The Dictionary of Merriam-Webster (1828) defines the word abandonment as an act of giving up someone with the intention of never claiming an interest or right over that person. It literally means to withdraw help or support from the person. Abandonment as such got its origin from an Anglo-French word "abandoner" that was further derived from the phrase "a bundun" which is to hand over, thus, abandon is let go or lose interest in something, to hold back one affection and love towards a person [3].

It has been an act of parents since the earliest times. However, even in our modern enlightened society, children are still ejected from their homes and physically abandoned in alarming numbers [4].

Aims and objectives*Aim of study*

The study aims to profile the autopsy cases of fetuses and newborns conducted under 317 IPC in relation to the year-wise distribution, known and unknown, gender, and cause of death.

Objectives of the study

Despite the problem being present in every corner of our country, research studies are scarce on the topic of the abandonment of fetuses or newborns. In this light, this research seeks to look at the prevalence

and autopsy profiling into the cases of abandonment of newborns/fetuses and the possible suggestions.

METHODS

The present 10 years prospective study was conducted to observe the profiling of the abandoned newborns/fetuses after taking permission from the institutional ethical committee. The records of all the medico-legal autopsies conducted under 317 IPC at Government Medical College, Amritsar, from January 2014 to February 2023, were analyzed. The details of these cases were sourced from the autopsy records and the inquest papers of the investigating officer. The data were analyzed for yearly distribution, gender, whether known or unknown and the cause of death.

RESULTS

Table 1 depicts the total number of autopsy cases conducted under 317 IPC. In the present study, 02 (9.1%) females were known cases, while among the unknown cases there, 06 (27.3%) were male, and 14 (63.6%) were female.

Table 2 depicts the year-wise incidence of cases of autopsies conducted under 317 IPC. Most cases were female, 16 (72.7%) and 6 (27.3%) were male. The maximum number of cases were reported in 2019, 4 (18.2%), while 03 (13.6%) were reported in 2016 and 2021, respectively. 2 (9.1%) cases were reported each in 2014, 2015, 2017, 2018, and 2019, only one (4.55%) case was reported in 2022 and 2023.

Table 3 depicts the cause of death in the autopsies conducted under 317 IPC. The most common were homicidal deaths in 14 (63.6%) cases, followed by natural deaths in 5 (22.7%) cases, and cause of death could not be ascertained in 3 (13.7%) cases.

DISCUSSION

There have always been recurrent news reports from different corners of the country regarding the recovery of abandoned fetuses and

Table 1: Depicting the total number of autopsy cases conducted under 317 ipc

Variable	Males (%Age)	Females (%Age)	Total (%Age)
Known	00 (0)	02 (9.1)	02 (9.1)
Unknown	06 (27.3)	14 (63.6)	20 (90.9)
Total	06 (27.3)	16 (72.7)	22 (100)

Table 2: Year-wise incidence/distribution of autopsy cases under 317 ipc

Year	Males (%Age)	Females (%Age)	Total (%Age)
2014	00 (0)	02 (9.1)	02 (9.1)
2015	02 (9.1)	00 (0)	02 (9.1)
2016	00 (0)	03 (13.6)	03 (13.6)
2017	01 (4.55)	01 (4.55)	02 (9.1)
2018	00 (0)	02 (9.1)	02 (9.1)
2019	01 (4.55)	01 (4.55)	02 (9.1)
2020	00 (0)	04 (18.2)	04 (18.2)
2021	01 (4.55)	02 (9.1)	03 (13.6)
2022	00 (0)	01 (4.55)	01 (4.55)
2023	01 (4.55)	00 (0)	01 (4.55)
Total	06 (27.3)	16 (72.7)	22 (100)

Table 3: Cause of death in the autopsies conducted under 317 ipc

Cause of death	Males (%Age)	Females (%Age)	Total
Homicidal (n=14)			
Blunt force (Injury)	02 (14.3)	06 (42.9)	08 (57.1)
Smothering	00 (0)	01 (7.1)	01 (7.1)
Strangulation	03 (21.4)	01 (7.1)	04 (28.7)
Sharp force	01 (7.1)	00 (0)	01 (7.1)
Natural (n=5)			
Congenital disease	00 (0)	03 (60)	03 (60)
Hypothermia	00 (0)	02 (40)	02 (40)
Not Ascertained (n=3)			
Not ascertained	00 (0)	03 (100)	03 (100)

newborns [5]. Still, Literature is scarce for comparison in the autopsies of the abandoned child.

It was observed in the present study that the majority of the abandoned newborns/fetuses were female (72.7%), followed by males in (27.3%). The probable reason in our country can be societal bias towards male child add to the number of abandoned female fetuses/newborns. The present study's findings differ from the study conducted by Behera *et al.* (2016) [6], where there was male preponderance in the abandoned child autopsy cases. Herman-Giddens *et al.* (2003) [7] where abandoned male child autopsies (58.8%) were more than the female child abandoned cases (35.3% while in 5.9% of cases, the gender was unknown. The findings in the present study are also consistent with the report that confirmed the high prevalence of female feticide in Asian countries like India and China [8].

In the present study, the majority of the abandoned child autopsies were of unknown cases in 20 (90.9%). In comparison, only 2 (9.1%) were known, which is consistent with the study conducted by Herman-Giddens *et al.* (2003) [7], where 91.2% of cases were unknown, and 9.8% were known cases.

The most common were homicidal deaths in 14 (63.6%) cases, followed by natural deaths in 5 (22.7%) cases, and the cause of death could not be ascertained in 3 (13.7%) cases. These findings are consistent with the study conducted by Behera *et al.* (2016) [6], where most deaths are homicidal. Among the homicidal deaths, the blunt force used in 64.3% of cases was the most common. In this study, most deaths resulted

from active physical force indicating a deliberate intent to eliminate the unwanted child. The present study's observations differ from the study conducted by Herman-Giddens *et al.* (2003) [7], where the major cause of death was strangulation or asphyxiation of the abandoned child in 41.1% of cases. Neglect and abandonment of newborns may be implicated as important causes of natural deaths, such as congenital malformations.

It is evident that the crime of homicide or exposure applies to those fetuses/newborns who are sufficiently developed or viable or those born alive and could only be subjected to criminal investigation. However, in relation to all the criminal offenses regarding homicidal deaths and abandonment of newborns/fetuses, the post-mortem examination remains challenging, and even the meticulous post-mortem examination could be fruitless in case of decomposition, post-mortem predation, or trauma. The well-known fact can rely upon that criminal charges may not follow just because the essential forensic evidence could not be objectively established.

It can be inferred from the present study that the major reason for the abandonment of newborns/fetuses is usually unwanted pregnancies or those resulting from rape that may result in criminal abortion, murder, or neglect of the newborn. The other can be the family's low socioeconomic status, already having few children in their home, resulting in the abandonment of the newborn. The probable reason for the abandonment of the newborn can be single mothers or psychiatric disorders such as postpartum depression and psychosis who may be responsible for the abandonment, neglect, or even killing of the newborn.

The discussion emphasized that all abandoned remains of newborns or fetuses do not receive adequate attention from the law despite the establishment of the fact that it could probably be the result of homicide and abandonment; the dividing line could be the sufficient circumstantial evidence and ability of fetus to survive independently. Applying provisions of criminal law and its regulatory frameworks in practical settings could be difficult, though it appears to provide reasonably clear directions. Thus, when the required characteristics of the remains cannot be established, there can be no legal consequences ensue.

CONCLUSION

The fundamental reason for the abandonment of newborns/fetuses is the lack of awareness pan India about the law on surrendering unwanted children. Whatever the reason or motive for abandonment of the newborn or fetuses, this issue needs urgent attention. Stringent measures need to be taken against the perpetrators. Facilities such as anonymously accepting newborns or special orphanages that may help to decrease and minimize the issue of abandonment.

ETHICAL CONSIDERATION

From the institutional ethical committee

AUTHORS CONTRIBUTION

Dr. Jaspinder Pratap Singh: Data collection applying statistics, rechecking data and validation, and helping in preparing the manuscript. Dr. Aashish Sharma: literature search and help in preparing the manuscript.

CONFLICTS OF INTERESTS

None.

AUTHORS FUNDING

None.

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