

Death of a Case of Criminal Abortion by an Unskilled Abortionist

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Unlawful deliberate ending of pregnancy is criminal abortion which is random practiced though exact statistics is not available due to lack of cooperation from concerned parties. Law has raised a margin relating to termination of pregnancy. Death occurs due to criminal abortion that must be investigated. The medicolegal autopsy of a 28 years woman reveals that she was caring for 4 months which was induced by an unskilled abortionist in a private centre who caused her death by perforating the uterus. This case is under trial as homicide. No suspected criminal abortion case should be allowed to let uninvestigated.

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Introduction

Criminal abortion comprises the deliberate ending of pregnancy outside legal provisions. "I will maintain the utmost respect for human life from the time of conception" is the declaration uttered and signed on the document by medical practitioner at the time of registration. Hippocratic Oath banned the involvement of a doctor in abortion. In 1970 Oslo declaration modified Geneva declaration as allowing the doctor in abortion only when this was sanctioned by the laws of their native country.¹

Involvement in criminal abortion will bring a cessation to the professional carrier of a doctor together with a penalty afforded by the court. In practice a doctor may be made to examine a case of attempted abortion and thus causing an interference of genuine abortion, bears the risk of charges.² A person guilty of culpable homicide if he caused the death of a pregnant woman by an act which he knew it was likely to cause her death. Unskilled, semiskilled, & skilled abortionist are

practicing criminal abortions throughout the country.

The categories of persons may be alleged in a criminal abortion are 1) any women who attempts to procure her own abortion or miscarriage, 2) any person attempting or assisting to procure a miscarriage whether she be or not be pregnant, 3) any person who supplies drugs or instruments knowing that it would be used unlawfully.²

Unwanted pregnancy may result in illegal abortion or may be a motive for suicide or homicide. Usually criminal abortions are done secretly and in unsafe manners. The estimated number of unsafe abortion in the world is 21 million.³ At least 180 women die every day from unsafe abortion. Unwanted pregnancies develop many causes of medicolegal importance, viz. rape, adultery, promiscuity and other illicit sex relationship. In develop countries it estimated that 20-30% of all pregnancy related unnatural deaths result from complication of unsafely performed abortions.³ Those sexual acts are no

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t coordinated by proper contraceptives result in pregnancies which are usually terminated by unlawful abortions. 20-25% of all pregnancy related unnatural deaths are due to some kind of interference.⁴ About 50,000 to 140,000 abortions related unnatural deaths happen every year in the world.⁴ The illegal abortion are done by widows and unmarried girls involved in sex practice, by those whose family sized achieved or to avoid addition to family. If a baby is born out of wed lock, it will create various problems about its paternity, inheritance, registration, maintenances etc and concerned party will usually prefer abortion.^{5,6} A case comes into investigation before a court of law only when the women dies as a result of criminal abortion or when the enemy of her family secretly communicates with a law enforcing authority.⁵

Case Report

A widow deceased of 28 years old was brought to Khulna Medical College morgue on 16 December 2009. The dead body was recovered from Basupara graveyard where it was left to the guard by a group of unknown persons for burial who on being informed of arrival of police flew away. The guard on interrogation confessed that he had agreed to dispose the deceased for bribe.

The woman was a husbandless residential female prostitute. By course of time she got pregnant and due to lack of knowledge she could not understand it. But progressive physical change let her mistress knew the matter. She (victim) was then enforced to get rid of her pregnancy. She was sent to a clinic (so called abortion centre). She was caring for four months which was risky enough for such an unskilled abortionist for induction. But the abortionist was too dare and attempted to terminate her pregnancy when he performed the uterus. The victim died on the abortion table. To conceal the crimes of prostitution,

abortion, and murder they collected a large jute bag and put the corpse there in, tied at the top and sent it to the nearest graveyard in the dark.

Autopsy findings:

The woman was wearing Shari (yellow), Petticoat (blue), and blouse (rosy). Blood staining were present in her garments. Following important external and internal findings were recorded during autopsy which lead to the determination of cause and manner death.

Findings to the diagnosis of pregnancy:

External:

Enlargement of breast (++)
Dark prominent areola (+)
Montgomery's tubercles (++)

Internal:

Big uterus (11.5×6×3) cm³ (16 weeks)
Large corpus luteum in the ovary (++)
Chorionic villi by microscopy (++)

Other Signs:

External:

Cyanosis (+)
Sunken eyes (++)
Shaving of public hair (++)
Antiseptic painting (+)
Swollen vulva (+)
Reddish discharge (++)
Abrasions, bruises in the vagina (++)
Injury to OS & cervix (++)
Volcellum teeth marks over the anterior lip of cervix (+++)

Internal:

Scratch marks in the inner uterine wall (++)
Products: membranes, fetal parts, placental remnants, fluid & clots (+++)
3 inches×3 inches sized perforation in the left side of fundus (++++)
Blood in the pelvic cavity (+++)

Other viscera- pale (+++)
Empty-Heart (++)

*(+) indicates intensity

Chemical analysis of viserae showed absence of poison. Histopathology of uterus and its adenaxae showed evidence of pregnancy. Cause of death was noted as hemorrhage and shock resulting from perforation of the uterus.

Discussion

Though non therapeutic abortion are illegal in Bangladesh, the practice is quite common.⁷ This case is an addition to the pregnancy related homicides in which socioeconomic, moral, medical and legal perspectives are concerned. All non therapeutic deliberate introduced abortions are criminal ones. Hundred of frog umbrella nursing homes/clinics (i.e. abortion centres) are scattered in the country. Incompetent abortionists are operating as a surgeon. They are lack in hygiene, skills, aseptic procedures, literacy and safety. About 8000 deaths occur every year due to septic abortion (BFRP-MR news letter 1988).⁷

Mesham et al (1981) estimated that in 1978 at least 7,800 unnatural deaths of Bangladeshi women were due to complication of interference of pregnancy. Tahera & Begum (1991) in Dhaka Medical College showed 86% of the septic causes were due to interference i.e. induced. The unnatural deaths from septic causes were 10%.⁷ Were these deaths not homicidal, accidental or natural medico legally? Non-therapeutic induced cases should be reported for investigation. We have no statistic about criminal abortion and the number of deaths due to them as none of the concerned parties is willing for inquiry into the cases. Doctors concerned are legally and ethically bound to do needful for that. Azim (1989) found 634 cases of septic abortions in Dhaka Medical College Hospital and the mortality studied to be 12%.⁷ In his

another study from January 1, 1989 to December 31, 1991, he found out of 7088 patient in Gynaecology ward, 3394 (47.9%) were abortion causes of which 430 (12.7%) were septic.

From Azim's study (1989-1991), 12% of 430 i.e. 52 cases of additional unnatural deaths (female) occurred during this period (3 years). About 86% (Tahera & Begum) of 52 i.e. 45 unnatural death, i. e. 15 unnatural death occurred in each year. Grossly a greater proportion of these deaths were homicidal if induction would have been done in absence of the therapeutic indications. Considering autopsy statistic of 3.6% female deaths as homicidal, (115 cases selected by the author randomly from 1830 post mortem in 1993 of which 28 were females, homicides found to be 3.6%). Failure to investigate and to prosecute the guilty will provide license to the criminals. Prosecution of the guilty may contribute to the effective reduction of MMR.

Prior to abortion Act (1967) in England, there occurred 30 deaths from criminal abortion each year, 20 of these cases the abortionist was the patient herself.⁸ By menstrual extractions, destruction of embryos are deliberately done. Prior to extraction, the diagnosis of pregnancy is to be done or not is an ethical as well as legal query as pregnancy starts from the time of impregnation of zygote into the endometrium and interruption of normal pregnancy without indication contravenes both ethics and law.^{9,10}

According to WHO, midwife is a person who 1) by his or her training has the competence and skill to provide reproductive care as an independent practitioner in maternity care team and 2) by regulatory mechanisms entitled and protected to practice in the spheres defined by the content of the midwifery.¹¹

Even the auxiliary nurse/midwife should have primary or secondary education plus 6(six) months midwifery training with 2 years other nursing training.¹¹ Registered nurse should have at least secondary education plus one year midwifery training with 3 years nursing training. Therapeutic termination of pregnancy must be in good faith and the following criteria must be fulfilled.¹²

1. Must be carried out by a registered medical practitioner
2. It should be carried out in national health service delivery hospital or at a place specially suitable for it.
3. Two doctors must examine the women separately and must certify that ground for termination of pregnancy exists.
4. Termination must be notified.
5. Life of the woman is in risk due to pregnancy.
6. When there is risk of child being born with serious physical or mental abnormalities.

Liberalization of acts of termination can reduce effectively the mortality and morbidity of criminal abortion as women can obtain termination under legal circumstances or on demand in hygienic atmosphere, performed by expert operators.¹ If death occurs due to even legal indications, those should be reported to the police.

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