

Admissibility of Psychological Autopsies: A Legal and Critical Analysis

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Abstract

Psychological autopsies have emerged as a important tool in forensic investigations, particularly in the cases of ambiguous deaths, suicides and mysterious custodial deaths. By reconstructing a deceased person's mental state through retrospective analysis, psychological autopsies provide invaluable insights in those cases where oral and circumstantial evidence are not sufficient.

Despite the growing relevance of psychological autopsies in various civil and criminal cases, India lacks a legal framework for the use of psychological autopsies. Due to this psychological autopsies are not considered potential evidence in deciding cases. Apart from this there is no common International standardized protocol to be followed in conducting psychological autopsies. In such a situation there is need for doing more research so that psychological autopsies can be properly utilized for deciding cases.

In this study a brief research of existing literature has been done to understand the concepts and techniques involved in conducting psychological autopsies. Further those cases where psychological autopsies have been used as potential evidence have been studied. Next analysis of existing legal framework and standards have been done to understand challenges faced by psychological autopsies. This research results in identifying applications of psychological autopsies, its challenges and reforms that can strengthen psychological autopsies in India.

Keywords: *Psychological Autopsy, Criminal Justice, Forensic investigation, Mental Health, Forensic Psychology*

Introduction

The investigation of unnatural deaths has traditionally relied upon autopsies conducted by forensic pathologists to clearly find out the physiological cause and time of death. Physical evidences are insufficient in various cases such as suicides, accidents, unexplained and mysterious deaths. In such situations psychological autopsies are conducted. It is a vital investigation method that offers insight into the descendants mental state, behavioral patterns and various stressors involving both psychological and social factors that have led to the death of a person. For investigating these cases it is needed that different approaches should be taken so that gathering of evidence can be made possible.¹

Psychological Autopsies includes various tests that are conducted retrospectively by forensic psychologists or psychiatrists. These involve structured interviews with family members, friends and other health care professionals as well as a review of the deceased's personal records, social media activities and his medical history. The main objective behind psychological autopsies is to reconstruct the psychological profile of the deceased to determine whether it was intentional, accidental or homicidal. These psychological autopsies are generally conducted in suspected suicide cases, custody cases, insurance frauds, workplace fatalities and medico-legal disputes.

Due to increase in the number of custodial deaths, farmer suicides and complexity of criminal cases involving mental illness there has been vast growth in the efforts of integrating psychological insights into forensic investigations. Institutions like National Institute of Mental Health and Neurosciences (NIMHANS) are involved in developing guidelines for conducting psychological autopsies, yet their application remains largely unregulated and sporadic.

Moreover, Indian Courts have displayed varying degrees of receptiveness towards evidence derived from psychological autopsies, that has been numerous issues of admissibility, reliability and credibility of experts opinion. Despite its potential, the psychological autopsies remains underutilized in India largely due to lack of standardized protocol regulating it. Lack of trained officials and legislative recognition creates more challenges for psychological autopsies.

¹ Edwin S Shneidman “*The Psychological Autopsy*” (Science House 1981) 88

This article mainly aims to critically analyse the role of psychological autopsies in forensic investigations, highlighting their forensic, legal, and evidentiary dimensions. It also aims to determine the evidentiary status of psychological autopsies in Indian law, explore the relevance and reliability of law commission reports on psychological autopsies in judicial decision-making and suggest legal reforms or guidelines for the structured admissibility of psychological autopsies.

This research adopts a doctrinal and interdisciplinary research methodology. The primary and secondary sources were taken from both legal and were taken from both legal and psychological domains. The doctrinal method involves an analytical approach to legal texts, case laws and statutory provisions particularly focusing on the admissibility and utility of psychological autopsies in India and other countries.

The interdisciplinary incorporates forensic dimension psychology, psychiatry and criminology to understand theoretical and practical understanding of psychological autopsies. This includes reviewing scientific literature, available research that is associated with psychological autopsies, Forensics manuals, psychological autopsies protocols that are laid down by NIMHANS and the American Association of Suicidology and publications by international health organizations like the WHO. Moreover, comparative legal analysis is employed to study the use of psychological autopsies in other countries such as the United States of America, United Kingdom, Cuba and Australia. This will help in understanding the reforms that can be adopted in India to strengthen psychological autopsies.

Different cases of India and other countries, in which Courts have involved psychological autopsies as potential evidence have been studied and analysed. This is done to understand to what extent psychological autopsies are admissible in Courts as potential evidence and moreover, how certain modifications can be done so that psychological autopsies can be utilised in a better manner. Indian Evidence Act and Bharatiya Sakshya Adhinyam has been studied to understand both previous and present scenarios of psychological autopsies.

All necessary litigations, national and international cases involving psychological autopsies, WHO reports, international standards on psychological autopsies and all other relevant literature have been reviewed for this research deeply, to bring out necessary reforms that can be brought to strengthen psychological autopsies in India.

It argues for the formal integration of psychological autopsies into India's forensic framework through legislative reform, judicial training, and institutional support. As forensic science continues to evolve, there is a need for promoting psychological autopsies not only for resolving ambiguous deaths but also for ensuring justice in cases where the 'mind leaves no physical trace.'

Objectives of the Research

The first objectives of the research involves a depth study of psychological autopsies including its origin at global level. This will help in knowing about this technique in a broad manner.

The second objective of the research is to understand the methodologies used for conducting psychological autopsies which is very important to know how these psychological autopsies can help in forensic investigations.

The next objective involves understanding the use of psychological autopsies in present Indian Society. This will help in understanding the emerging challenges of psychological autopsies in India.

The final objective of this research is to bring out the ways in which certain reforms can be brought to strengthen psychological autopsies in India and resolve all the challenges these techniques are facing in India.

Research Methodology

This study adopts a doctrinal legal research methodology, supplemented by comparative and analytical approaches to evaluate the admissibility of psychological autopsies in judicial proceedings. The research aims to understand the current legal stance, identify gaps, and suggest reforms for integrating psychological autopsies within the evidentiary framework of law.

The study is primarily qualitative and involves a systematic examination of statutes, case laws, and legal commentaries, reports of law commissions and expert committees, scholarly articles from legal and psychological journals. The research also includes a comparative analysis of jurisdictions where psychological autopsies have been considered admissible, such as the United States, the United Kingdom, and India.

Sources of Data includes primary sources such as Judicial decisions (Supreme Court, High Courts, and relevant foreign judgments), constitutional provisions, evidentiary laws (e.g., Indian Evidence Act, 1872), and forensic guidelines and secondary Sources such as books, journal articles, law commission reports, doctoral theses, and publications by legal and psychological associations.

Data Collection and Analysis involves legal databases such as SCC Online, Westlaw, HeinOnline, and Manupatra that are used to collect case laws and scholarly works. A case study method is employed to analyze landmark judgments that have touched upon the concept of psychological autopsy. A content analysis of judicial reasoning is undertaken to evaluate the legal acceptability and challenges to the use of psychological autopsies in courts, particularly in cases involving suspicious deaths, suicide, or mental illness.

In Comparative Jurisdictional Analysis the research contrasts the Indian legal position with practices in other jurisdictions to assess the criteria for admissibility of expert psychological evidence, Judicial trends and precedents on psychological autopsies, Legislative developments (if any) accommodating psychological profiling. The study is limited to jurisdictions where psychological autopsy has received some judicial or forensic recognition. It does not involve empirical interviews or forensic practice but relies solely on legal and literature review. It also undertakes a comparative study of practices in the United States, United Kingdom, Australia and Cuba drawing valuable lessons for the Indian context. The research adopts a doctrinal and interdisciplinary methodology, drawing from forensic psychology, criminal law, and jurisprudence.

Evolution and Development of Psychological Autopsies

Psychological Autopsies is a systematic procedures for evaluating suicidal intention in equivocal cases. It was invented by American Psychologists Norman Farberow and Edwin S. Schneidman during their time working at the Los Angels Suicide Prevention Centre that they have founded in 1958.

The examination procedure was developed when Coroner Theodore J. Curphrey asked them to identify the cause of death and investigate drug induced deaths. For investigating the cases they used forensic examination of the deceased, checking the health records of deceased individuals and conducting interviews with friends and relatives. This information is then

used to determine the individual's risk factors and psychological state before their death to determine the cause of death.

Schneidman and Farberow in 1961 defined psychological autopsies as “a retroactive reconstruction of life of a person that can reveal the intentions behind the death, it also explains the reasons why the death of a particular person occurred at a specific time.”² Shneidman’s specifically described administration of an interview as a “mixture of conversation, interview, emotional support, general questions and a good deal of listening” consisting of 16 criteria characterizing the victim’s lifestyle, life stressor events, any psychiatric disease and any other previous suicide attempts.³

Similarly, Litman in 1989 referred to psychological autopsies as a technique for retrospectively analysing the personality traits and conditions of an individual's relation in society during their lifetime so that they can understand the circumstances surrounding their death.⁴ Subsequently, in 1991 Jobes defined the Empirical Criteria for the Determination of Suicide. It consists of 16 items mainly aimed to going into greater depth regarding the criteria of self-infliction and intention which have strongest correlation with the suicides events.⁵

After this, in 1995, Gelled proposed a guide which had been widely adopted in Chile. It consisted of a semi-structured interview subdivided into 24 areas on which it is assessed, including the intentional and lethal nature of the suicides as well as social relation of victim at their home and workplace.⁶ To ensure proper utilisation of this technique which is very important in the investigation process, in 1998 Garcia-perez advocated for including forensic psychologists into the working groups at crime scenes.⁷ This integration will help in resolving various criminal cases. Further the Model of Integrated Psychological Autopsy was developed. This method has been widely used in Latin America consisting of a semi-structured interview in 60 areas.

² Farberow, N.L.; Edwin, S.S. “*The Cry for Help*” (The Blakiston Division/McGraw-Hill Book Co., Inc. New York, USA, 1961).

³ Psychological Autopsy: A Powerful Tool in Forensic Investigations <https://www.mdpi.com/2673-6756/4/4/44> accessed 6 August 2025.

⁴ Litman, R.E. Psychological autopsies. (Journal on Forensic Science 1989) 34, 638–646.

⁵ Jobes, D.A.; Casey, J.O.; Berman, A.L.; “*Wright, D.G. Empirical criteria for the determination of suicide manner of death*” (Journal on Forensic Science 1991) 244–256.

⁶ Gelles, M.G. Psychological autopsy: An investigative aid. In *Police Psychology Into the 21st Century*; Series in Applied Psychology (Lawrence Erlbaum Associates, Inc.: Hillsdale, NJ, USA, 1995) 337–355.

⁷ García Pérez, T. “*La Autopsia Psicológica En El Homicidio*” (Rev. Med. Leg. De Costa Rica 1998) 1–2.

To strengthen the scientific use of psychological autopsies in 1999 Canter and Alison proposed various points such as collecting those evidences that offer alternative explanation of equivocal deaths, indicating the proof that support or deny each explanation, making a complete summary of the evidence and the ways in which it can be administered as proof, assessing the available evidence and the procedures that determine its validity and accuracy and clearly stating how evidence is used to reach the conclusions for each alternative explanation.

In 2003, Werlang and Botega proposed a model of Semi-Structured Interview for Psychological Autopsy (SSIPA), containing 69 items that are subdivided into four areas which includes precipitating factors and stressors, motivation, lethargic method and intentionality of the work.⁸ Through this interpretation more standardized interviews can be ensured. Lastly, Psychological Autopsy Methodology Checklist was created to address the fundamental aspects of the case based research methodology and various other distinctive methodologies employed in psychological autopsies.

Legal and Psychological Significance of Psychological Autopsies

Psychological Autopsies have increasingly become an important component of modern forensics investigations, particularly in determining the intent behind a death. They are used to decide both civil and criminal cases specifically civil disputes related to insurance or negligence claim or suicide cases, custodial deaths cases or equivocal deaths. Despite their growing application in investigating cases, their legislative recognition and admissibility in Courts is still facing multiple challenges.

The standardised guidelines have been developed by some institutions, so that it can be conducted in a structured, ethical and scientifically valid manner. In India NIMHANS has formulated protocols primarily for suicide investigations especially in public health studies.

Psychological Autopsies are used in various forensic investigations such as in suicide cases where it is used to establish the intention of suicide. It assesses the mental state of deceased in custodial deaths and homicidal suicide cases. In custodial deaths it helps in reconstruction of psychological factors that have contributed to these deaths. It is also helpful in investigating workplace deaths by finding the reasons for occupational stresses.

⁸ Werlang, B.G.; Botega, “N.J. *A semi-structured interview for psychological autopsy in suicide cases*” (Rev. Bras. Psiquiatr. 2003) 212–219.

Earlier Section 45 of Indian Evidence Act⁹ and now Section 39 of Bharatiya Sakshya Adhinyam deals with experts' opinion. In this the Court seeks experts' opinion on matters like foreign law, science, art or any other field or to identify handwriting of fingerprint impressions, the opinion of specially skilled persons in those areas are relevant.¹⁰ However forensic psychology is still emerging as a recognised field within legal discourse and psychological autopsies often face numerous issues of admissibility under the reliability and qualification criteria for expert evidence.

In the case of **Sangeeta v State of Haryana**,¹¹ The Punjab and Haryana High Court referred to a psychological autopsy test conducted by experts of Post Graduate Institute of Medical, Education and Research, Chandigarh in a custodial death case. While the Court considered findings of the psychological autopsies, it did not rely on them as conclusive evidence citing lack of standardized guidelines and limited corroboration of psychological conclusions with physical evidence.

Similarly, in **Nithari Killings case (State v Surendra Koli)**¹² The court has conducted psychological profiling tests and postmortem behavioural analysis. But the Court primarily relied on forensic Pathology and confession-based evidence. These cases demonstrate that psychological autopsies are regarded as supplementary or corroborative rather than primary source of evidence in Courts. In suicide cases, psychological autopsies helps in distinguishing between suicidal deaths and accidental deaths. If psychological autopsies is done in a proper manner it will reveal a pattern of depression, coercion or abuse that substantiates abetment or claims or alternatively helps to exonerate the accused in various ambiguous scenarios.

In the Case of **Gurcharan Singh v State of Punjab**,¹³ the Supreme Court emphasized that in cases involving abatement of suicide, the mental condition of the deceased and their propensity towards suicidal ideation must be established. This case highlighted how psychological insights into the deceased's state of mind are crucial for adjudication of various cases.

Apart from various criminal cases the psychological autopsies is also very important in deciding civil and insurance litigation. Insurance companies generally deny claims where the

⁹ Indian Evidence Act, s 45

¹⁰ Bharatiya Sakshya Adhinyam, s 39

¹¹ 2022 SCC OnLine P&H 1587

¹² (2014) 14 SCC 340

¹³ (2017) 1 SCC 433

cause of death is classified as suicide. The exclusionary clauses in life insurance contracts does not includes suicides in their terms and conditions for which they provide protection. Hence, psychological autopsies may be introduced by either party to establish the true intent behind the death. While Indian Courts are yet to develop a consistent jurisprudence on the admissibility of psychological autopsies in insurance disputes.

At the international level there has been increasing stress on the relevance of psychological autopsies in insurance claims. In the United States, the Courts have admitted psychological autopsies as expert testimony to validate insurance disputes claims involving contested deaths. Deaths occurring in police custody, prison environments or rehabilitation institutions which frequently raise suspicions of foul play or cases involving institutional negligence. The American Association of Suicidology has issued procedural manuals detailing interview process, documentations and analysis models. The World Health organization has supported the use of psychological autopsies in suicide prevention programs globally advocating for their use in mental health surveillance.¹⁴

In such cases psychological autopsies can serve as a critical mechanism to assessment the psychological history and possible triggers of suicide or stree induces cardiac arrect Reports by India's National Human Rights Commission¹⁵ have increasingly suggested the use of psychological profiling in inquiries of custodial deaths but still there is inconsistency in implementation of these reports. The judicial recognition of this method still remains an issue as there is no credentials of expert opinion, apart from that there is no clearance on scientific methods involved in analysis of psychological autopsies; these evidences are not admissible in Indian Courts. Courts also struggle with the subjective nature of findings in psychological autopsies report.

As psychological autopsies are in interpretative and constructive nature which mostly depends on interpretative and reconstructive sources. These sources are considered as indirect which is based on the interviews and personal writing. Due to this, it is not mostly admissible

¹⁴ Shneidman, Edwin S.; Farberow, Norman L. "The Los Angeles Suicide Prevention Center: A Demonstration of Public Health Feasibilities" (American Journal of Public Health and the Nation's Health January 1965) 21-26.

¹⁵ National Human Rights Commission, 'Guidelines on Custodial Deaths and Torture' (NHRC India, 2021) <https://nhrc.nic.in> accessed 5 April 2025.

in Courts. Whereas forensic pathology which relies on measurable physical evidence is generally admissible in various cases.¹⁶

Psychological autopsies are mostly considered hearsay evidence as they are second hand information gathered from interviews of deceased's family members. There is also a challenge of confirmation bias depending on the investigating officials pre-existing theory. The difficulty in cross examination of such evidence especially in the absence of standardized guidelines on psychological autopsies affect the admissibility of these evidences. Thus, Indian Judiciary's reliance on traditional forensic evidence may explain its limited engagement with psychological autopsies, even in cases where psychological autopsies could have enhanced the adjudication process. But without codified legal recognition to psychological autopsies and lack of accreditation in expert training on psychological autopsies this will remain peripheral among other evidence.

International Approaches Psychological Autopsies

To assess the potential for formal integration of psychological autopsies into India's legal and forensic systems, it is essential to examine their application in other countries. Various nations like the United States, United Kingdom and Australia have developed more structured approaches to the use of psychological autopsies in legal proceedings, forensic investigations and public health policy.

1. United States of America

The United States of America has pioneered the development and application of psychological autopsies, especially in the fields of suicide prevention, mental health research and forensic psychiatry. In America, Courts have occasionally admitted findings of psychological autopsies in both civil and criminal cases. Claims in various insurance disputes has been denied on the basis of suicide. The psychological autopsies are also used in America for determining the death as homicide or suicide. Further, psychological autopsies are also used in assessment of criminal responsibility or mental state at the time of offence.

In **Foster v United States**,¹⁷ the Court accepted testimony of psychological autopsies to establish that the decedent had no suicidal tendencies, thereby ruling out suicide as a cause of

¹⁶ Milroy CM, "The Role of the Forensic Pathologist in Psychological Autopsy" (Journal of Medicine, Science and the Law 2000) 187.

death. Such rulings demonstrate that Courts may accept findings of psychological autopsies provided they meet standards of scientific reliability such as those laid down in **Daubert v Merrell Dow Pharmaceuticals, Inc.**¹⁸

In the case of **State v Jones**,¹⁹ A psychiatric autopsy of a murder victim was admitted on behalf of the defendant who claimed private defense as a reason in the killing. The psychological autopsy has been considered as a reference to show the defendant was a repeatedly battered wife and was not unreasonable in her assumption that the victim may have killed her. In another case of **State v Carrethers**,²⁰ A psychological autopsy of the defendant's father was admitted. The defendant has claimed defense of his mother due to which he has killed his father. The psychological autopsy report indicated that the father drank heavily and routinely battered his wife and stepdaughter. He has also done various violent acts at work. The report also revealed that the son had been reasonable in his reaction to his father's violence.

The American Association of Suicidology (AAS) has developed comprehensive guidelines and training programs for the conduct of psychological autopsies enhancing their credibility and replicability. The method has also been recognised by the National Institute of Mental Health (NIMH) as a valid research and investigating technique.²¹

2. United Kingdom

In the United Kingdom, psychological autopsies are primarily used in public health and suicide research, often under the guidance of National Confidential Inquiry into Suicide and Safety in Mental Health (NCISH).²² Coroners in the UK routinely considered psychological evidence when determining the verdict of suicide v accident or misadventure. Although psychological autopsies are not codified as formal legislation, structured psychology autopsies have always been part of judicial investigation procedures that have resolved numerous cases.

¹⁷ 303 U.S. 118 (1938)

¹⁸ 509 U.S. 579 (1993)

¹⁹ CR No. 98666 (Arizona Superior Court, 1978)

²⁰ CR No. 100359 (Arizona Superior Court, 1978)

²¹ American Association of Suicidology, Psychological Autopsy Certification Training Manual (2020) <https://suicidology.org> accessed 16 August 2025.

²² National Confidential Inquiry into Suicide and Safety in Mental Health (NCISH), Annual Report 2023 <https://www.manchester.ac.uk/ncish> accessed 25 August 2025.

In the case of **R (on the application of Smith) v Assistant Deputy Coroner for Oxfordshire**,²³ The Court held that inquiries must include full consideration of all mental health and behavioural evidence where there is issue on State responsibilities such as in cases of custodial. Even though the psychological autopsies have been admissible by the Courts in the UK, they are not typically admissible as standalone expert testimony in criminal trials due to concerns over subjectivity and retrospective bias. Their use remains restricted to development of psychological research and following procedures in judicial inquiry.

3. Australia

Australia represents a hybrid model where psychological autopsies are used both in public health and Forensic investigations. The method has also been endorsed by health agencies such as Australian Institute for Suicide Research and Prevention (AISRAP). Australian Courts have shown their willingness to accept psychological autopsies in cases involving youth suicides, deaths in mental health facilities and aboriginal custodial deaths. The Queensland Mental Health Commission has also supported the inclusion of psychological autopsies in the inquiries of the records of official deaths that have been registered. The National Suicide Prevention Strategy explicitly endorses psychological autopsy studies as a method for understanding and preventing suicides.²⁴ This alignment of public health policy and forensic practice has greater institutional legitimacy.

4. Cuba

In Cuba psychological autopsies have a significant history. These are considered as very important method in understanding deaths particularly those suicides where reason for death is unclear. The Ministry of Public Health in Cuba has pioneered the development and implementation of psychological autopsies protocols, including the MAPI protocol. This involves a retrospective analysis of the deceased's life focusing on risk factors, history of mental health and interpersonal relationships.²⁵

The retrospective analysis involves examining the deceased's life history including their psychological state, society in which they live and any relevant factors that might have

²³ [2010] UKSC 29

²⁴ Queensland Mental Health Commission, Suicide Prevention Action Plan 2022-2025 <https://www.qmhc.qld.gov.au> accessed 28 August 2025.

²⁵ "MEDICC Review | In Defense of Clinical Autopsy and Its Practice in Cuba" <http://mediccreview.org/in-defense-of-clinical-autopsy-and-its-practice-in-cuba/>

contributed to their death. More information is gathered through structured interviews which are conducted with family members, friends and colleagues. The MAPI protocol is developed in Cuba. It is a structured approach in which psychological autopsies are conducted.

5. Ways that can be adopted in India

India can adopt ways from International models on psychological autopsies such as codifying guidelines for the conduct of psychological autopsies through agencies like NIMHANS and the Ministry of Health. Training and certifying professionals similar to the American Model under AAS. Incorporating psychological autopsies into colonial or judicial inquests in custodial deaths and suspicious suicides. Further encouraging legislative or judicial recognition possibly by amending the Indian Evidence Act to clarify admissibility standards.

Results and Discussions

From the above analysis we can say that psychological autopsies are a very important part of forensic investigations. It is very important resolving equivocal case of suicides and custodial deaths. Due to lack of effective legislation and uniform international standards, the full potential of psychological autopsies cannot be utilised in the investigation of cases.

While it is very important in criminal cases, testimony based on psychological autopsies has also played a crucial role in civil cases. In the civil cases this method can be used to determine cause of death particularly in scenarios where determining the manner of death is unclear. It is mostly used to determine the death as suicide or accident. They can also be used in deciding insurance claims where the deceased's mental state is relevant for getting the coverage. It is also used in cases where a disability claim involves mental health conditions and a subsequent death. The psychological autopsies in these cases provide information on the deceased's ability to engage in work and their overall functional capacity. In cases where a will is contested, the psychological autopsies can help in assessing the testator's mental capacity and competency at the time when will was signed especially, if there are questions about undue influence or incapacity. Psychological Autopsies can also be used in worker's compensation cases that involve mental health conditions and a subsequent death of a worker.

Psychological Autopsies can help in determining whether work related injury or stress contributed to mental health condition and eventual death of a person.²⁶

In this analysis we can see that psychological autopsies basically in the USA mostly consider Daubert standards. But consideration of psychological autopsies under the Daubert standards also raises several issues which complicates the admissibility of this as standard form of evidence while deciding criminal or civil cases. First issue includes testability of psychological autopsies which is limited as it does not involve repeatable experimental methods rather uses interview method with third party and analysis of events that happened with deceased person in his lifetime. Next as Daubert standards include peer review and publication of methods used during psychological autopsies. But as there are huge variations in the acceptance of methods used in conducting interviews and analysis in psychological autopsies there is no scientific reliability of psychological autopsies.

Further in the analysis we find that as most data collected in psychological autopsies through interview depends on the views of relatives, in which estimation of true information is difficult so generally psychological autopsies are not considered sufficient for admissibility in Courts. The psychological autopsies technique has been recognised in different fields such as forensic psychiatry and medico-legal analysis but lack of standardisation has affected psychological autopsies to get universal acceptance.²⁷

Moreover, relevance and reliability of psychological autopsies are based upon the quality of the information that has been gathered and competence of experts conducting analysis in psychological autopsies. There are issues of potential biases which commonly occur in psychological autopsies.²⁸ To resolve these challenges uniform international standards on psychological autopsies should be made so that psychological autopsies can be admissible in various cases.

Finally through this analysis we can say that psychological autopsies originated as a support for medico-legal analysis of equivocal deaths in suicide cases. Further it has now evolved as a crucial method in forensic investigations. A proper analysis through the methods of

²⁶ Mohanty, Pallavi; Kumar, Rajeev; Sankhla, Mahipal Singh "Importance of Psychological Autopsy in Forensic Science" (Indian Internet Journal of Forensic Medicine & Toxicology September 2021) 1-6.

²⁷ Hawton, K.; Appleby, L.; Platt, S.; Foster, T.; Cooper, J.; Malmberg, A.; Simkin, S. "The psychological autopsy approach to studying suicide: A review of methodological issues" (Journal of Affective Disorders September 1998) 269-276

²⁸ Haque, M.A. "Psychological Autopsy: A Lead to the Truth Untold" (Indian Journal on Forensic Medicine and Toxicology 2022) 274-277.

psychological autopsies can help in deciding cases in less time and ensure the administration of justice.

Challenges of Psychological Autopsies

Despite the potential of psychological autopsies in enhancing the investigation process and judicial understanding, psychological autopsies face various methodological and legal challenges. These challenges undermine their reliability and admissibility in Courts. It raises serious ethical and procedural concerns.

One of the challenges is the absence of uniform protocol for conducting psychological autopsies in India. While institutions such as NIMHANS issued guidelines for suicide research, these guidelines are neither codified as law nor are they universally adopted across investigating agencies.

The methodologies widely vary in terms of techniques used in conducting interviews, source materials used, training given to investigators and assessment matrices used for mental intent or illness. This lack of uniformity leads to inconsistency in the findings and raises questions about the objectivity and reproducibility of the process involved in conducting psychological autopsies.

It is a known fact that traditional forensic science relies on empirical evidence and replicable results. Whereas psychological autopsies are inherently interpretive and retrospective. Hence, investigators must infer mental States from circumstantial evidence and testimonies, which can introduce confirmation bias and narrative framing.

The absence of physical proof and dependence of psychological autopsies on unreliable or emotionally biased informants such as grieving relatives increases the risk of subjective interpretation. This undermines the credibility of psychological autopsies reports in adversarial legal proceedings where the standard of proof is high.

Indian Courts do not specifically recognize psychological autopsies as admissible forensic evidence in Bharatiya Sakshya Adhiniyam. Even in the earlier Indian Evidence Act the situation was the same. The main loopholes of psychological autopsies to which they are not admissible in Courts is they are based on hearsay content.

As the person had already died, cross examination of what the relatives are saying cannot be done. There are also various ambiguities in determining qualification of experts in psychological autopsies. Furthermore, Courts have occasionally questioned the probative value of such evidence, especially where it contradicts physical forensic evidence. Due to this psychological autopsies are just used as supplementary reports and not as potential evidence in Courts.

The process of conducting a psychological autopsy requires the deceased's personal writing, health records and testimonies from close associates. This raises ethical concerns related to posthumous privacy, informed consent which is no longer possible and harming potential reputation. In many cases, the families may be reluctant to disclose sensitive informations especially if the death involves mental illness, suicide or social stigma. These factors affect both the depth of investigation and the reliability of findings.²⁹

There is currently no standardized training or certification program in India specifically for professionals conducting psychological autopsies. This lack of formal qualification leads to shortage of competent investigators and results in poorly drafted reports that are not based on strict procedures. Moreover, investigating agencies and Forensic labs also tend to prioritize physical and pathological evidence, relegating psychological factors to the background. Without institutional support or legal regulations psychological autopsies remain marginalized within the broader framework of forensic investigations.

Reforms to Strengthen Psychological Autopsies in India

Given the increasing relevance of psychological autopsies in forensic investigations especially in ambiguous and high-stakes cases, it is imperative for India to formally integrate this tool within its legal, medical and investigative frameworks. Studying both international and national perspectives mentioning the wide range of challenges following reforms can be brought in India:

There is an urgent need for nationally standardized guidelines for conducting psychological autopsies. These guidelines should be multidisciplinary involving inputs from forensic psychologists, psychiatrists, legal experts and law enforcement agencies. The guidelines should in detail mention data collection methods, interview techniques, ethical safeguards

²⁹ Pouliot L and De Leo D, “*Critical Issues in Psychological Autopsy Studies: Suicide and Life-Threatening Behavior* (Journal on Forensic Science 2006) 144.

and analytical frameworks. These guidelines should be issued by authoritative bodies such as the National Institute of Mental Health and Neurosciences (NIMHANS), in collaboration with the Ministry of Health and Family Welfare and National Forensic Science University (NFSU). Such guidelines would help in overcoming inconsistencies and establish the scientific credibility of psychological autopsies.³⁰

Courts must also develop jurisprudential thresholds according to the Daubert test in the US for accepting psychological autopsies as valid expert testimony. The credibility of psychological autopsies hinges significantly on the expertise of the investigator. India should initiate certification on forensic psychology and psychological autopsies technologies at NFSU and other forensic institutes.

The next suggestion includes taking various measures to enhance the admissibility of psychological autopsies and ensure legal weight of the findings of psychological autopsies. The amendments may be proposed in Bhartiya Sakshya Adhinyam, 2023 to explicitly include forensic psychology and psychological autopsies under expert evidence. A judicial or legislative clarification is needed on how retrospective mental assessment can meet legal standards of relevance, reliability and qualification.

Proper training can be provided for Judges, Advocates and Police officers on understanding and using the findings of psychological autopsies in investigating and deciding the cases. Such capacity building efforts will ensure informed usage and prevent misuse or over-reliance on unqualified expert opinion.

Psychological autopsies should be institutionalized as part of standard procedures in custodial death inquiries under the Magistrates Commissions. supervision of Judicial and Human Rights Moreover, procedures should also be made in the deaths that happen in mental health institutions, juvenile homes and rehabilitation centres. This would align with existing NHRC guidelines and ensure that psychological factors are not overlooked in determining cause and culpability.³¹

Next suggestion includes a dedicated ethical code that must be created to govern psychological autopsies addressing posthumous privacy and dignity of the deceased,

³⁰ National Institute of Mental Health and Neurosciences (NIMHANS), Guidelines for Psychological Autopsy in Suicide Cases (Ministry of Health and Family Welfare, Government of India 2022).

³¹ National Human Rights Commission, 'Guidelines on Custodial Deaths and Torture' (NHRC India, 2021) <https://nhrc.nic.in> accessed 5 April 2025.

confidentiality of sensitive data collected during the investigation and the consent process for accessing medical records and interviewing family members of deceased.

Data protection principles under the Digital Personal Data Protection Act, 2023 should be also integrated into protocols mentioned for psychological autopsies. This is done to ensure compliance and build public trust in the techniques used for gathering relevant evidence in psychological autopsies.³²

The Ministry of Health and ICMR should fund longitudinal research on psychological autopsies effectiveness in suicide prevention and mental health surveillance. Psychological Autopsies should be used to inform public policy, especially suicide prevention strategies under the National Mental Health surveillance.

Psychological Autopsies should be used to inform public policy, especially suicide prevention strategies under the National Mental Health Programme. Integrated with the National Crime Record Bureau (NCRB) to identify trends and systematic failures. This dual use of psychological autopsies for forensic investigation and public health can ensure more robust systematic insights and timely interventions.³³

Conclusion

From the above analysis on psychological autopsies we can conclude that psychological autopsies represent a critical intersection of law, medicine and mental health. This research paper explores the significance of psychological autopsies in the Indian forensic and legal landscape, assessing their evidentiary value, methodological frameworks and the challenges associated with their application. Through a comparative legal analysis with other countries such as the United States of America, United Kingdom, Cuba and Australia, this article advocates for a standardized guidelines, ethically grounded model of psychological autopsies to enhance its admissibility and credibility in Indian Courts.

The paper concludes by offering recommendations to integrate psychological autopsies within larger forensic and legal infrastructure of India. For India there is a need of effectively deploying them, reforms must be comprehensive spanning legal recognition, scientific standardisation, institutional support and ethical governance. If these reforms are properly

³² Digital Personal Data Protection Act 2023.

³³ National Crime Records Bureau (NCRB), Accidental Deaths and Suicides in India - 2022 (Ministry of Home Affairs 2023) <https://ncrb.gov.in> accessed 6 April 2025.

introduced it will improve the quality of forensic investigations but also bring justice to victims whose psychological autopsies are overlooked.

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