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	Contents
Vol	ume 15, Number 2 April-June 2021
1.	Psychological Aspects in Terms of Physical, Mental and Sociological Factors During Worldwide Corona Crisis
2.	Anatomical Variation of Superficial Branch of Radial Nerve in Gujrat Region
3.	Combined Effect of Neural Tissue Mobilization and Deep Friction Massage in Piriformis Syndrome: A Research Protocol
4.	Police Brutality and Custodial Torture in Technological Era: Need for Anti-Torture Law in India - A Critical Analysis
5.	Study of Socio-Demographic Profile of Thoraco-Abdominal Injuries in Fatal Road Traffic Accidents in Mangalore City
6.	Study of Mortality Due to Thoraco-Abdominal Injuries in Road Traffic Accidents in Mangalore City 32 <i>Abymon K K, Mohd Amjad Bhat, Azia Manzoor Bhat</i>
7.	Pattern of Thoraco-Abdominal Injuries in Fatal Road Traffic Accidents in Mangalore City
8.	An Ayurvedic Approach for Treatment of Fissure in Ano: A Case Report of 32 Year Old Patient43 Alok kumar Diwedi, Kiran Khandare, Rakesh Khatana, Harjodh Singh
9.	Ozone Therapy - A Boon to Dental Sciences
10.	Hyperammonaemia in Absence of Deranged Liver Enzymes with Valproate: A Case Report
11.	Assessment of Anxiety during COVID-19 Pandemic among General Population of India56 Anamika Gautam, Poonam Ahlawat, Shikha Sharma Thapa
12.	A Conceptual Study on Prevention & Management of Covid -19 Pandemic with Special Reference to Janapadodwamsa

13.	The Use of Information Gained under RTI Act- 2005 in Forensics and Toxicology- An Indian Perspective
14.	Profile and Pattern of Women Seeking Medical Termination of Pregnancy in a Tertiary care Centre in National Capital Region
15.	Comparative Study of Magnesium Sulphate added to Bupivacaine and Ropivacaine Local Infiltration of Wound for Postoperative Analgesia in Patients Undergoing Upper Abdominal Surgery: A Randomized Double Blind Study
16.	Effectiveness of Warm Water Foot Bath Therapy on Quality of Sleep among Elderly
17.	Assess the Effectiveness of Information Booklet on the Knowledge of Wet Nursing among Women88 Archana S. Teltumbde, Arti Fating, Bhavika Folane, Shrushti Gawande, Pranjali Gawande, Kajal Gavale
18.	Effect of Grey Zone Samples Testing by Enzyme Immunoassay and Its Impact on Enhancing Blood Safety: Experience from Tertiary Care Hospital based Blood Bank in Central Gujarat
19.	Multifaceted Physiotherapeutic approach in Snapping Hip Syndrome: A Case Report
20.	Xerostomia – An Unknown Oral Manifestation in AAA Syndrome
21.	Biomedical Waste Management in India-A Review
22.	Utility of the Cell Block Preparation as an Additive Tool to the Conventional Cytological Smears114 Devanshi Gosai, Kuntal Patel, Ashu Dogra, Jasmin Jasani
23.	Compare the Accuracy of IOL Power Calculations Using Ultrasound Biometry and Partial Coherence Laser Interferometry based Optical Biometry
24.	Effectiveness of Nurse Led Intervention Regarding Management of Hypertension on Awareness, Treatment Compliance, Life Style and Quality of Life among Hypertensive Adults: A Systematic Review
25.	Endurance and Respiratory Training, an Approach to Delay the Symptomatic Progression in Multiple Sclerosis - A Case Report

Π

179.	Gender Determination from Toe Prints Among Kagay-Anons of Philippines for Forensic Application
180.	Sexual Dimorphism from Fingerprint Ridge Density among KagayAnons of Philippines for Forensic Application
	Nataraja Moorthy T, Aidil Nur Liyana M, Ivan Nikkimor LD, Ariel Philip IP
181.	Suicide Bombing in a Money Lending Shop – A Rare Non-Terrorist Explosion Scene Report
182.	Hanging Deaths at Tertiary Care Teaching Hospital
183.	Toxicological Assessment of Ethanolic Leaves Extract of Kalanchoe pinnata in Rats
184.	The Dessert Dimension: Genes related to Sweet Taste Receptors, Sweet Taste Preferences, its Association with Alcohol Consumption and dental Caries Incidence – A Literature Synthesis and scoping Review
	Vaibhav Kumar, Heer Shah, Romi Jain, Nikhil Bhanushali, Swarali Atre, Mahendra Gaikwad
185.	Assess the Effects of Back Massage to Improve Sleeping Pattern of the Postoperative Cardiothoracic Patients among the Selected Hospitals
186.	A Study Protocol on Effect of Postural Deviation on Functional Capacity in Patients with Chronic Respiratory Disease
187.	Assessment of Awareness and outlook of a Pathological Autopsy among Medical Students
188.	Child Abuse and Neglect: Role and Obligation of Pediatric Dentist in India
189.	Fracture of Implant Prosthesis at Abutment Neck- A Rare Phenomenon
190.	Pharmacology and Toxicology Teaching Patterns for Undergraduate Students in Pharmacy and Medical College at Umm Al-Qura University, Makkah, Saudi Arabi: A Survey
191.	Sexual Dimorphism from Foot Morphometry : A Study among Two Endogamous Groups of North India

 192. Environmental Maintenance through the Application of Adat (Criminal) Sanctions on Baduy Communities
 1206
 Umi Rozah

XIV

677.	Knowledge of Early Childhood's Mothers Regarding Toilet Training at Primary Health Care Centers in Alrusafa District in Baghdad City <i>Ahmed Abd-Alkadeem Mohammed, Eqbal Ghanim Ali</i>	4552
678.	Impact of Chemotherapy upon Psychological status of School Age Children with Acute Lymphoblastic Leukemia at Pediatric Teaching Hospitals in Baghdad City Shukran Khudher Kassar Al-ghzy, Eqbal Ghanim Ali Ma'ala	4560
679.	Parents' Knowledge toward Pediatric Immunization and its Relation with their Compliance at Primary Health Care Centers in Karbala City <i>Eitidal Nassir Hussain, Zahid Jasim Mohammed</i>	4567
680.	Interventional Nursing Program for Nurses Practices about Enteral Feeding Guidelines in Critical Units <i>Abdulrahman Thiab Ahmed, Huda Baker Hassan</i>	4574
681.	Mothers' Knowledge Regarding Infant Physical Needs	4581
682.	A Study of Self- Medication Uses without a Prescription among Iraqi Patients in Baghdad City Shatha Saadi Mohammed, Ahmed Mohammed Jasim Shlash	4587
683.	The Influence of Fluoxetine Therapy Combination of Rational Emotive Behaviour Therapy Againts the Improvement of Depression Symptoms, Cognition Function and Improvement of Brain-Derived Neurotrophic Factors Serum Levels in Patients with Depressive	4593
684.	The Effect of Spiritual Qur'anic Emotional Freedom Technique (SQEFT) Therapy on Reducing Anxiety Value and Blood Cortisol Levels in NAPZA (Narcotics, Psychotropic, Other Addictive Substances) Residents <i>Asmawati, Veny Hadju, Alimin Maidin, Andi Ummu Salmah, Ridwan Amiruddin, Aminuddin</i> <i>Syam, Muh.Tahir Abdullah</i>	4602
685.	Analysis of Risk Factors affecting Stunting at Sub-District Health Center Galesong Takalar Regency Andi Maryam, Andi Elis, Yusriadi Yusriadi	4606
686.	Prevalence and Prevention of Diarrhoea among Infants in Rural Areas of Ekiti State, Nigeria Owoseni Joseph Sina, Muhammad Nadir Shahzad, Asim Muneeb Khan, Mazhar Hussain Bhutta, Beenish Ambereen	4615
687.	The Family Hope Program (PKH) Collective Partnership among Beneficiary Families (KPM) For Healthy Living through the Clean Friday Campaign <i>Umi Faridav, Misnawati, Juharbi, Mariadi, Yusriadi Yusriadi, Amar Saniv</i>	4623
688.	Neonatal Mortality Rate and Its Causes at Maternity Wards in Baghdad City's Hospitals	4628

LI

689.	Co Management Health and Economic Development Indexes: Grand Strategy for Health Development in the Madura Island-Indonesia Coast through Mangrove planting	634
690.	A Better Choice for Primary Anterior Tooth Restoration Between Strip Crowns and Zirconia Crowns: A Narrative Review	640
691.	Successful Cardiopulmonary Resuscitation Rate and Related Factors in Emergency Departments	646
692.	Covid-19: Information, Transference, Properties of Human Coronaviruses, and Enhancing Immunity by Dietary Recommendations	653
693.	Estimation of Cephalic index in 17-20 Years old population of Nimad region of Madhya Pradesh 4 Anil Mangeshkar, Ashok B Najan, Vineet Kumar Gohiya, Sarita Gohiya	663
694.	Assessing the Preparedness for Emergency Management of Status Asthmaticus in Pediatric Patients' among EMS Professionals, Pune, India	668
695.	Assessment of Interpersonal Communication Skills Among Emergency Medical Professionals in Pune, India	672
696.	Assessment of the Level of Clinical Preparedness amongst EMS Professionals in Managing Life Threatening Emergencies in Suspected Covid 19 Patients	678
697.		684

LII

Environmental Maintenance through the Application of Adat (Criminal) Sanctions on Baduy Communities

Umi Rozah

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Abstract

This article aims to describe the implementation of customary criminal sanctions used by the Baduy community in maintaining and preserving their nature and the effectiveness of the use of customary sanctions in preventing and overcoming actions that damage the environment of the Baduy community. It is a qualitative research to produce descriptive data, where the approach used is socio-legal research using secondary data as a normative or doctrinal approach, and uses a social approach to explore primary data in the form of values and interpret the behavior of local communities in solving customary cases. The results of this study indicate that the life of the Baduy community which is supported by agriculture and cultivation is very dependent on natural preservation. The maintenance and preservation of the environment in the Baduy community is highly respected. Various ways to preserve nature through avoidance of goods and modern lifestyle are carried out from generation to generation so as not to change the order of nature and the environment. In preserving nature, the Baduy community provides guidelines on certain actions that their indigenous people should not take, such as burning forests, cutting trees in certain areas.

Keywords: Environmental Maintenance, Baduy Communities, Customary law, criminal sanctions

Introduction

Indonesia as a country consisting of several ethnic groups with various customs is full of values of peace and harmony/balance in life, namely the balance between human relations with God, with the universe and the environment, with fellow humans as individuals and with fellow humans in his society. In the beliefs of indigenous peoples, spiritual life is very dominant and is placed in the most sacred place. The belief in the existence of the universe is controlled by spirituality which manifests as a macrocosm very much characterizes the lives of indigenous peoples, where every human behavior and behavior in a customary environment is always monitored by something magical. With this belief, humans in their lives who are in the microcosm circle must maintain harmony and balance between macrocosm and microcosm.

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The form of consistency in maintaining the harmony and balance of the relationship between macrocosm and microcosm in indigenous peoples is how indigenous peoples take care of the natural environment so that it is both spiritually and factually preserved in their lives, so that nature is fully preserved, as practiced by the Baduy community The principle instilled by the Baduy community in preserving nature as a gift from God to them is. "mountains may not be destroyed, and valleys may not be destroyed," and "short should not be joined, length may not be cut." This principle underlies people's understanding and awareness that forests, mountains, valleys, and their contents are the lungs of nature. The awareness of the Baduy community that life must be one with nature, implies that using nature as a source of life must also be done very wisely, including by dividing the natural types of forest, namely cultivated forest (which is taken for life), Panisan forest (forest that becomes water sources), and prohibited forest (forest that should not be touched) (Rifa'i, 2017).

In preserving nature, the Baduy community rejects modernization and the use of products and objects that come from outside, which are believed to destroy real

Concealment of Crime Revealing by Detailed Autopsy: A Study

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Abstract

Ancient literature suggests a link in between modus operandi of different crimes in different parts of universe, but there is a wide variation in motive and execution of crime. However assailants are very keen to conceal crime by different methods. Defacement of body, electrocution, throwing into river, burial, burning the body, dismembering the body parts and throwing body on railway track are more common methods of concealment of crime. Among various method of concealment of crime some of are discussing in this article with other related factors.

Keywords: Modus Operandi, Concealment, Crime, Assailants.

Introduction

Concealment is a common attribute of criminal acts for example many robberies take place at night because there will be lesser witnesses, thus lowering the probability of apprehension.¹ homicidal means cause death of a person by another person. This homicide may be lawful or unlawful. Lawful homicide includes justifiable and excusable homicides. Unlawful homicides include section 299 IPC, culpable homicide and section 300 IPC, amounting to murder $^{2,3\&4}$. There may be several reasons for committing a murder it is jealously, rivalry, mind war etc. There are various methods used for homicide like stabbing, cut throat, burning, uses of dangerous weapon, ligature strangulation and smothering. As per survey by Canadian Centre for Justice Statistics, stabbing, shooting and beating were the common methods of homicide during 2008-2012.⁵. With ever increasing knowledge, availability to people fear of conviction and new technologies, assailants used to try to showcase the crime in other ways to mislead the investigation and escape conviction. Many times accused try to hide the identity of body in that ways which leads improper tracing of crime. There are many methods used to hide the crime include Defacement of body, electrocution, throwing into river or remote place like jungle, burial , burning the body, dismembering the body parts and throwing body on railway track. As Kota city situated on the bank of river, long railway track of connecting Delhi to Mumbai and there is dense jungle of Chambal

also present, due to that it is very easy to hide the crime by concealment. These factors are favorable to dispose the dead body of offence, so this study is conducted in Kota. In such instances thorough details postmortem, proper history, collection of corroborative evidences and crime scene visit are necessary. A careful postmortem examination helped the investigating authority to relate the segregated parts of the crime, generated by the accused to conceal his act.⁶ The autopsy provided valuable key points to conclude the case.⁷ Here are the some important cases which was brought to mortuary of Government Medical College, Kota from the period of 1st January 2019 to 28th February 2020. In these all cases concealment of crime was conducted by the accused but meticulous autopsy, evidence collections, details history and visit of crime scène changes the whole investigation.

Case no: - 1

An unknown decomposed female body was taken by the police in which was packed in polythene bag. Mouth of polythene bag was tied by aluminum wire. Body was kept in deep freeze for identification. Two families came for identification as body was decomposed one of the family was confused, at last denied that same body related to them as no clothes over body and wound over abdomen which was stitched by aluminum wire confused them because they assume that deceased was pregnant. As it was month of June the changes over body was very fast, After 4 days hours police came with requisition