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Review Article

Pattern of custodial deaths: A 5-year retrospective study

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ABSTRACT

“Death occurring in some form of custodial detention is commonly known as death in custody, such as police cell or prison”. ‘Right to Life’ implies the duty of state to respect and ensure the right to life of each and every individual within their jurisdiction including the individuals held in custody by law enforcement agencies. Studies across the globe have noticed that most of the custodial deaths are natural. Death of a person in custody is always a matter of concern especially when it is unnatural one. This study was undertaken to know the pattern of custodial deaths in different aspects. Out of total 28 cases autopsied during study period of 5 years 26 (92.86%) individuals were prisoners whereas only 2 (7.14%) belonged to police custody. Among 28 cases 23 (82.14%) deaths were natural and 5 (17.86%) were unnatural deaths. Tuberculosis 7 (25%) was most common culprit among natural deaths. Total 25 (89.28%) were male and only 3 (10.72%) were females among study population and most of the cases 7 (25%) belonged to 51-60yr age group. As far as unnatural deaths are concerned 4 deaths were suicidal and only one case was homicidal.

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1. Introduction

“Death occurring in some form of custodial detention is commonly known as death in custody, such as police cell or prison”.¹ Custodial death is heard in news and media from time to time and most of the highlighted cases invite public resentment and condemnation. Such events invariably have substantial allegations of omission of proper care and attention or commission of atrocities and torture or abuse of power in one or the other way on part of the authorities’ concerned.²

Right to life is the fundamental right of every individual as per the article 21 of Indian constitution. It implies the duty of state to respect and ensure the right to life of each and every individual within their jurisdiction including the individuals held in custody by law enforcement agencies,

which obligates the law enforcing agencies to provide basic needs such as food, shelter and medical aid to each and every individual in their custody.

So as to maintain the transparency during investigation of custodial deaths, National Human Rights Commission (NHRC) has made it mandatory to do the video shooting of autopsy procedure and such autopsy to be carried out only by the panel of forensic experts. Because the allegations are against the police department itself, the inquest is conducted by the magistrate as per the sec. 176 of CrPC in case of custodial deaths. This study is carried out with the aim to know the pattern of custodial deaths in central region of Maharashtra.

2. Materials and Methods

This is an autopsy based retrospective study carried out at department of forensic medicine, government medical

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college and hospital Aurangabad Maharashtra. All custodial deaths occurred from Jan 2016 to Dec 2020 are included in the study. Data was obtained from the documents (Inquest papers, postmortem report, treatment papers, chemical analysis reports, histopathology reports etc.) available in record section of our department. Standard proforma was prepared to collect the data uniformly. The parameters considered are age, sex, type of custody, prevalence of pre existing disease, hospital stay, cause of death and manner of death.

3. Results

Total 28 custodial death cases were autopsied during the study period 5yrs i. e. from 1st of Jan 16 to 31st of Dec 2020. Male preponderance was noted with 25(89.28%) males and only 3(10.72%) female cases (Figure 1). Most affected age group was 51-60yr with 7 (25%) cases followed by age group of 61-70yr with 6 (21.42%) cases. Oldest inmate was 69 yr old and youngest one with 19yrs (Table 1). Type of custody was found to be prison in 26 (92.86%) cases and police custody that of in 2 (7.14%) cases (Figure 2). Out of 28 cases, 16(57.14%) were died during treatment in hospital of which 4 cases were having hospital stay of less than 24hrs whereas 12(42.85%) were brought dead to hospital (Table 2). Pre-existing diseases/Co-morbidities (PID) was observed in 19 (67.86%) cases of which most of the individuals were elders with age more than 50yrs. Most commonly encountered PIDs were Hypertension and Diabetes Mellitus (Table 3). Among 28 cases 23(82.14%) deaths were natural and 5 (17.86%) were unnatural deaths. Tuberculosis 7(25%) was the most common culprit among natural deaths followed by septicemia and cardiac causes (Table 4). Out of 5 unnatural deaths cause of death was hanging in 4 cases and head injury one case. Total 4 unnatural deaths were suicidal whereas only one case of head injury was homicidal death.

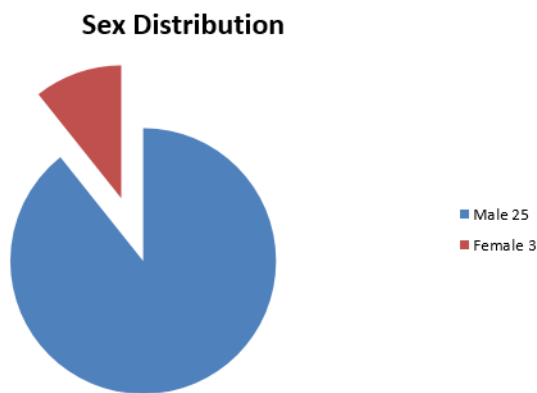


Fig. 1: Sex distribution

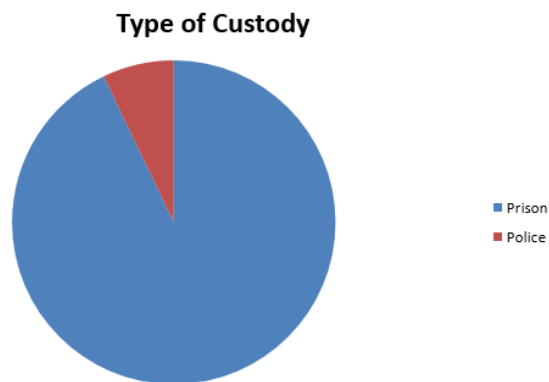


Fig. 2: Type of custody

Table 1: Age wise distribution

Age groups	Cases (%)
≤ 20	1 (3.57 %)
21-30	5 (17.85 %)
31-40	4 (14.28%)
41-50	5 (17.85%)
51-60	7 (25%)
61-70	6 (21.42%)

Table 2: Hospital stay

Type of Hospital Stay	Cases (%)
More than 24 hrs	12 (42.86%)
Less than 24 hrs	4 (14.28%)
Brought dead	12 (42.86%)

Table 3: Cause of death

Cause of death	Cases (%)
Pulmonary Tuberculosis	7 (25%)
Septicemia	6 (21.42%)
Hanging	4 (14.28%)
Coronary Artery Disease	3 (10.71%)
Myocardial Infarction	2 (07.14%)
Head Injury	1 (03.57%)
Acute COPD exacerbation	1 (03.57%)
Coronary Artery Thrombosis	1 (03.57%)
Diabetic Nephropathy	1 (03.57%)
Intracerebral Hemorrhage	1 (03.57%)
Peritonitis	1 (03.57%)

Table 4: Pre-existing disease/Co-morbidities

Pre-existing Disease	Cases (%)
Diabetes Mellitus	5 (17.85%)
Hypertension	5 (17.85%)
COPD	2 (07.14%)
HIV	2 (07.14%)
Anemia	2 (07.14%)
Cancer	1 (03.57%)
Chronic Kidney Disease	1 (03.57%)
Epilepsy	1 (03.57%)

4. Discussion

Death of a person in custody is always a matter of concern especially when it is unnatural one. As per the current guidelines custodial deaths are investigated by the different law enforcing authorities like Judicial Magistrate, Sub-Divisional Magistrate and Police or State Crime Investigation Department and such inquiry reports are supposed to be submitted to concerned authorities within stipulated time frame.

Whenever death occurs in custody, a thorough investigation is needed. This investigation will not only ascertain the cause and circumstances leading to death but many times will alleviate the anxiety and speculations of the relatives as to what might have happened inside a police or prison cell.³

In our study we have analyzed all the cases of custodial deaths occurred during five year study period i.e. from Jan 2016 to Dec 2020. Like all other authors we have also observed male preponderance in our study.²⁻⁶ Usually men are more indulged in criminal activities than the women population which itself explains the male preponderance. Most commonly affected age group was 51-60yr with 7 (25%) cases followed by age group of 61-70yr with 6 cases (21.42%) which is consistent with other studies.³⁻⁵ This could be due to the reason that most of the deaths are natural with one or the other preexisting diseases/comorbidities which get worsen in their sixties which remains unattended for years together. Out of 28 cases 23(82.14%) cases belonged to prison. Because the duration of police custody is very short as compared to prison more deaths are observed in prisons which is consistent with other studies carried out at different places.^{2,3} But in police custody comparatively more unnatural deaths were noted which may be due to guilt/shame or apprehension of legal action.

As far as Prevalence of any pre existing disease (PID) is concerned, we have observed that hypertension and diabetes as the most common PIDs 17.85% (5 cases each) among custodial population which is consistent with studies in our state.^{3,4} However studies across other states of India have found different set of PIDs like TB, HIV, Carcinoma.²⁻⁵ We also observed that out of 7 cases of TB 2 were HIV positive and 2 were having severe Anemia reflecting the increased susceptibility to opportunistic infections due to deteriorated immunity levels which could have been prevented, indicating need to screen prisoners at the time of reception which is also suggested by other authors.³ It was observed that 50% cases were brought dead and 14.28% were with hospital stay less than 24hrs which is in correlation with other studies.^{4,7} whereas Sumanta Dutta et al have observed only 10% brought dead cases which may be attributed to short duration of study period.⁵ This indirectly reflects either late presentation to higher health care centers or the reluctant attitude on the part of prison authorities towards health problems of prisoners.

Present study (82.14% natural deaths) is in consonance with all the studies with almost 80%-90% natural deaths. Among natural deaths most common culprit was TB which was also observed in most of the studies.^{2,3,6,7} Other causes like sepsis, cardiac causes and carcinoma were also leading causes among natural deaths. Suicidal manner was common among unnatural deaths which may be due to stress during trial or anticipated conviction.

5. Conclusion

To conclude this study we have to accept the bitter truth regarding the poor medical facilities as well as poor living conditions in Indian custodial (prison/police) set ups. As most of the custodial deaths are natural, mere strengthening of existing medical facilities can substantially reduce such untimely deaths.

6. Limitations

The only limitation that can be considered is the retrospective nature of the study because of which we have got only limited amount of data. If more prospective studies are carried out we can come out with other additional hidden issues attributed to custodial deaths. Also Psychiatric illness & Substance abuse are not considered in our study due to non availability of authentic information.

7. Source of Funding

None.

8. Conflict of Interest

None.

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