

ORIGINAL ARTICLE

Analysis of custody deaths of the year 2015 and 2016

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ABSTRACT

BACKGROUND: Preventing torture in custody and ensuring strict compliance of its guidelines in custodial deaths is one of the important agenda of NHRC. This article presents data of 46 deaths in custody/prison in north Maharashtra region from the period of 2 years from 01/01/2015 to 31/12/2016. 02 deaths were caused due to suicide, 2 deaths were caused due to homicide, and no deaths were caused due to accident. Hanging was the most common means of committing suicide. Of the 2 cases of homicide, 1 died due to firearm injury, while the other died due to head injury. Myocardial infarction was the most important cause of death among natural causes. Based on these findings, several measures for prevention of deaths in police custody are discussed.

Key words: custody/prison deaths, custodial torture, forensic pathologist, postmortem examination, natural death, unnatural death

INTRODUCTION

Shri. B. H. Government Medical College, Dhule is the only recognized regional center for medico-legal postmortem examination of custodial death cases of four districts of North Maharashtra namely Dhule, Nashik, Jalgaon and Nandurbar. These 4 districts are having population of 50 lakh.

Deaths in custody not only occurs due to unnatural causes but also occurs due to natural causes including senility, generalized debility etc. But whenever deaths occur in custody, there are always allegations about custodial torture. To rule out such types of allegations and to prevent custodial torture, National Human Rights Commission has made it mandatory to perform postmortem examination in cases of custodial deaths at government medical colleges only by forensic pathologists and video shooting of postmortem examination is mandatory in

cases of unnatural and/or suspicious deaths.

This is a retrospective study of the year 2015 and 2016 regarding custodial deaths of North Maharashtra region where postmortem examination is performed at Shri. B. H. Government Medical College, Dhule.

AIMS & OBJECTIVES

To assess the causes and manner of custodial deaths in North Maharashtra Region and to determine the factor of negligence on the part of the custodians behind such deaths.

MATERIAL AND METHODS

This retrospective study is based on postmortem examinations conducted at Shri. Bhausaheb Hire Government Medical College, Dhule Maharashtra.

We examined all available files of inquest papers, postmortem reports, toxicological analysis reports, histopathology reports and case papers of death of persons in custody from the period of 2 years from 01/01/2015 to 31/12/2016. A standard proforma was designed to collect the information to ensure consistency for the whole sample. Information collected included age, sex, type of custody, place of death, presence of any associated disease, history of any psychiatric illness, substance abuse, injuries present, weapon

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of offence, manner of death, sexual offence and cause of death.

All custodial deaths were included in the study. Postmortem examination was conducted by a panel of doctors and video shooting of postmortem examination was carried out in unnatural and/or suspicious deaths. Viscera was preserved for chemical analysis and histopathological examination as per the need of the case.

OBSERVATIONS

Table 1: Sex-wise distribution of cases

Sex	No. of cases (%)	%
Male	44	95.65
Female	02	04.35
Combined	46	100

Table 2: Age-wise distribution of cases

Age group (in yrs)	Male	Female	Total cases	%
20-30	04	01	05	10.87
31-40	08	00	08	17.40
41-50	08	00	08	17.40
51-60	06	00	06	13.04
61-70	08	01	09	19.56
71-80	09	00	09	19.56
81-90	01	00	01	2.17

Table 3: Manner of death

Manner of death	Number of cases	%
Suicide	02	04.35
Homicide	02	04.35
Accident	00	00
Natural	42	91.30

Table 4: Hospital admitted or not

Hospital admitted or not	Number of cases	Percentage
Admitted at hospital	24	52.17
Brought dead	22	47.83

Table 5: Cause of death

Cause of death	Number of cases	%
Head injury	01	02.17
Hanging	02	04.35
Poisoning	00	00
Alcoholic intoxication	00	00
Firearm injury	01	02.17
Natural	42	91.30

Table 6: Cause of death (natural)

Cause of death (natural)	Number of cases (42)
Myocardial infarction	12
Pneumonia	8
Pulmonary tuberculosis	5
Pulmonary edema	3
Septicemia	3
Meningitis	2
Coronary disease	2
Congestive cardiac failure	1
Interstitial pneumonitis	1
Intracerebral bleeding	1
Miliary tuberculosis	1
Renal cell carcinoma	1
Squamous cell carcinoma of tongue	1
Basal cell carcinoma of lung	1

Table 7: Presence of associated illness

Presence of associated illness	Number of cases
Chronic glomerulonephritis	04
Cerebrovascular episode	04
Diabetes mellitus	03
Acute tubular necrosis	03
Congestive cardiac failure	2
Pulmonary edema	2
Cerebral edema	2
Hypertension	02
Cirrhosis of liver	02
Rheumatic heart disease	01
Cardiomyopathy	01
HIV AIDS	01
COPD	01
Chronic pyelonephritis	01
Bronchiectasis	01

Table 8: Year-wise distribution of number of cases of deaths in police lockup/prison

Year	Natural	Unnatural
2015	22	02
2016	20	02

Table 9: showing type of custody

Type of custody	Number of cases	%
Jail	46	100
Police lock-up	00	00

DISCUSSION

Our study was the retrospective study of 2 years of the year 2015 and 2016 of custody deaths of north Maharashtra region. There was male predominance (44 versus 2 death) in our study (Table 1). Rarity of crimes by females may be in part explained the lack of female deaths^{1,2}. In our study about 40% of deaths occurred in the age group of 60-80 years and 35% of deaths occurred in age group of 30-50 years (Table 2). Our findings are consistent with Sonar V³ and Mirza FH el al⁴. Out of 46 cases, 24 were hospitalized prior to their death while 22 died at jail premises (table 4).

We studied 4 cases of unnatural deaths in which 2 cases were of suicide and 2 cases were of homicide (Table 3 and 5). In our study, both these cases of hanging were due to suicide at jail premises where the inmates used available ligature material to end their lives. Of these 1 was male and another was female (photo 1).

Figure 1: showing ligature mark in a case of suicide by hanging by female prison inmate



No other injury/torture found in these cases^{2,5,6}. Out of 2 cases of homicide 1 was of firearm injury which occurred while the deceased inmate was transported from jail to produce him in front of magistrate at sessions court when members of opposite gang used firearms to kill the inmate. The deceased died due to injury to left lung (photo 2).

Figure 2: radiograph showing bullet embedded in left lung upper lobe



Another case was of head injury which occurred inside jail premises^{5,6}.

Pathak AG et al^{7,8} reported ethyl alcohol poisoning and potassium cyanide poisoning in cases of custodial deaths. However, in our study, we did not encounter any case of poisoning.

In the present study, 42 persons died due to natural causes in which 1 inmate was female. Out of these, maximum of 12 cases were of myocardial infarction followed by 8 cases of pneumonia and 5 cases of pulmonary tuberculosis. Thus, out of 42 natural deaths, top 3 diseases constituted 25 (59.52%) deaths (table 6). Chronic glomerulonephritis, cerebrovascular episode, diabetes mellitus, acute tubular necrosis were top 3 associated illnesses amongst the inmates^{3,4,9,10} (table 7). Out of these 42 deaths, 1 inmate was a known case of retroviral disease, while another was suffering from chronic psychiatric illness. Surprisingly, in our study we did not find a

single case in which the inmate was suffering from infectious diseases like swine flu, dengue, malaria which is very common in civilian population.

Whenever unnatural death in police lockup/prison occurs allegations of custodial torture are always leveled up against the authorities. In our study we specifically looked for injuries to palms soles of feet, genitals, over back, inside the natural orifices but we did not find any injury suggestive of custodial torture. So abetment of suicide due to physical torture in custody was ruled out. Similarly we did not find evidence of sexual torture/offence/homosexuality in our study.

CONCLUSION AND SUGGESTIONS

For natural deaths

1. Periodical health checkups of inmates
2. Periodical laboratory examinations like chest X-rays, sputum examination, hemogram, peripheral blood smear, lipid profile, liver and renal function tests, ultra-sonography, coronary angiography, stress test, CT-brain should be carried out
3. Yoga, Pranayama, aerobic exercises, meditation
4. Balanced diet

For unnatural deaths

1. Installation of CCTV cameras
2. Periodical counseling by psychologist and psychiatric treatment if required
3. Prevention of consumption of drugs used for substance abuse

Ethical clearance: not required.

Source of funding: Self.

Conflict of Interest: Nil.

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