

ORIGINAL ARTICLE

## Analysis of Custodial deaths in Western Odisha

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### ABSTRACT

**BACKGROUND:** Death in custody is often associated with allegations of physical abuse by the police or jail authorities. Questions are always raised about violation of fundamental rights of a prisoner.

**AIMS:** To study different epidemiological and medico legal aspects of custodial deaths.

**MATERIAL AND METHODS:** This is a five year retrospective study based on medicolegal records of custodial deaths.

**RESULTS:** All the cases were male. As per manner of death 86.5% of cases were natural deaths while 13.5% of cases died due to unnatural causes. Age group of these cases were between 19 to 90 years. Maximum number of cases (29.8%) is between 51-60 years. Majority of deaths occurred in the hospital accounting for 97.29% of cases except one hanging death which occurred in police station. Majority of cases (91.9%) were in jail custody. In this study most common cause of death is chronic kidney disease which is found in 21.6% of cases. With respect to conviction status, 78.4% of cases were under trial prisoners while rest 21.6% were convicted.

**CONCLUSION:** Majority of deaths occurred due to natural causes. Proper care should be taken to reduce morbidity and mortality of prisoners.

**KEY MESSAGE:** Prior health checkup and timely medical treatment is needed to prevent custodial deaths. Maintenance of proper hygiene and steps to reduce overcrowding of jails should be done to curb the morbidity and mortality.

**KEYWORDS** | CHRONIC KIDNEY DISEASE; CUSTODIAL DEATH; NATURAL DEATH; UNDERTRIAL PRISONER.

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### INTRODUCTION

Custody is defined as any point in time when a person's freedom of movement has been denied by law enforcement agencies, such as during transport prior to booking, or during arrest, prosecution, sentencing, and correctional confinement.<sup>5</sup> The death of a member of the public whilst detained in police

custody usually leads to intense media scrutiny and considerable public unease. Relatives of the deceased may express understandable concerns about the propriety of police behaviour and these anxieties may generate additional public disquiet.<sup>8</sup> It is found that the major reasons behind custodial deaths are

mainly unawareness and carelessness on the part of custodial authorities on the health status of the inmates and poor condition of the cells.<sup>6</sup> Sudden and unexpected death in custody is commonly associated with allegations of police misconduct, media speculation, rumours, and intense community concern.<sup>1</sup> Every case of custodial death must be reported to the National Human Rights Commission (NHRC) and the police is also required to submit the findings of the magistrate's inquiry to the Commission along with the autopsy report in due time. Though most of custodial deaths are due to natural causes, but issues such as delay or negligence in seeking medical treatment, unhygienic conditions and improper healthcare facilities cannot be ruled out.

The usual questions that arise following a custodial death are whether it was natural or unnatural. If it is natural death then whether timely and proper treatment was given or not and if it is an unnatural one then whether it is suicidal, homicidal or accidental in manner. Hence meticulous autopsy should be done in such cases by panel of doctors along with videography to arrive at a conclusion based on findings.

#### MATERIALS AND METHODS

This is a retrospective autopsy based study on custody related deaths, during the period of five years from January 2017 to December 2021. The post-mortem examination of these cases were conducted in the mortuary of the institute, as per the guidelines laid down by the National Human Rights Commission. Postmortem reports were written in the prescribed proforma. The various records like inquest report, dead body challan, medico-legal case intimation form, bed head ticket, histopathological report and viscera report were analyzed for demographic profiles, previous history of disease or medication, signs of torture, cause, manner and place of death, and other relevant findings were taken in account. Study was done in different parameters like gender wise distribution, age group involved, cause of death, conviction status, admitted in hospital before death or brought dead etc. All

the observations are tabulated and the results are compared with the previous studies done by different authors.

#### RESULTS

A total of 37 cases of custodial deaths were studied in this five year retrospective study. All the cases were male. As per manner of death 86.5% of cases were natural deaths while 13.5% of cases died due to unnatural causes. Age group of these cases were between 19 to 90 years. Maximum number of cases (29.8%) is between 51-60 years (Table 1).

**Table 1:** Age wise distribution of cases

Age group (in years)	Number of cases	Percentage (%)
11-20	1	2.7
21-30	3	8.1
31-40	8	21.6
41-50	6	16.2
51-60	11	29.8
61-70	3	8.1
71-80	3	8.1
81-90	2	5.4
Total	37	100

By religion, present study showed that 35 cases (94.5%) were Hindus and one case each belong to Muslim and Christian community. Majority of deaths occurred in the hospital accounting for 97.29% of cases except one hanging death which occurred in police station. Majority of cases (91.9%) were in jail custody (Table 2).

**Table 2:** Type of custody

Type of custody	Number of cases	Percentage (%)
Jail custody	34	91.9
Police custody	3	8.1
Total	37	100

With respect to conviction status, 78.4% of cases were under trial prisoners while rest 21.6% were convicted (Table 3).

**Table 3:** Conviction status

Conviction status	Number of cases	Percentage (%)
Convicted	8	21.6
Under trial	29	78.4

**Table 4:** Association of injuries

Injury	Number of cases	Percentage
Present	9	24.3%
Absent	28	75.7%

There is presence injuries in 24.3% of cases (Table 4).

In this study most common cause of death is chronic kidney disease which is found in 21.6% of cases (Table 5).

**Table 5:** Cause of death

	Cause of death	Number of cases	Percentage
Natural	Acute kidney injury	2	5.4
	Acute myocardial infarction	3	8.1
	Acute respiratory distress syndrome	1	2.7
	Carcinoma lung	1	2.7
	Cirrhosis	2	5.4
	Chronic kidney disease	8	21.6
	Chronic myeloid leukaemia	1	2.7
	COVID	2	5.4
	Cerebro vascular accident	2	5.4
	Extra pulmonary tuberculosis	1	2.7
	Malaria	1	2.7
	Pneumonia	2	5.4
	Pulmonary tuberculosis	1	2.7
	Severe acute respiratory illness	1	2.7
	Sickle cell disease	2	5.4
	Septicaemia	1	2.7
	Abdominal tuberculosis	1	2.7
	Tuberculosis lung	1	2.7
	Craniocerebral injury	1	2.7
Unnatural	Hanging	1	2.7
	Poisoning	2	5.4

**Abbreviation:** COVID=Corona virus disease

## DISCUSSION

A person in the custody is under the supervision of the authorities and is dependent on them. So, any death occurring in the custody is considered to be a fault, in one way or other, on the part of the concerned authority.<sup>6</sup> In

the present study we have retrospectively analyzed all the cases of custodial deaths that were brought for post mortem examination. Present study shows all the cases (100%) to be of male sex. Other researchers also found male preponderance.<sup>1,3,4,6,7,9,10</sup> This might be due to the fact that most of crimes are

usually done by male persons. With respect to manner of death 86.5% of cases died due to natural causes. Majority of authors have similar findings except Bhana BD et al. and Okoye M et al. where they have found that unnatural deaths are more common than the natural deaths. More number of natural deaths in custody may be due to unhygienic living conditions, overcrowding and lack of timely treatment. 29.8% of cases fall in the age group 51-60 years which is nearly similar with the study done by Kumar J et al. With respect to religion our study shows majority were Hindus which is consistent with the studies done by Jhamad AR and Kumar J et al. Sikhs were more common as per study conducted by Chahal PS et al. Most of the deaths occurred while in jail custody accounting for 91.9% of cases which is similar with study done by Vohra V K et al. With respect to conviction status, 78.4% of total custodial deaths were undertrial prisoners which is almost similar with Vohra VK et al. but it contradicts with the study of Kumar J et al. where majority of cases were convicted. Most of the authors agree that the majority of custodial deaths occurred in hospital.<sup>4,6,7</sup> Chronic kidney disease is the commonest cause of death in our study which is dissimilar with the findings of other authors where they have found tuberculosis is the most common cause of death.<sup>4,6</sup> Present study shows presence of injuries in 24.3% of cases which is in line with the study done by Jhamad AR et al. While Dutta S et al. found the presence of injuries in

40% of cases.

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#### CONCLUSION

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Article 21 of constitution of India states that “No person shall be deprived of his life or personal liberty except according to a procedure established by law.” When the person’s liberty is taken away by the state then it is the responsibility of it to protect human rights. Custodial deaths are primarily due to natural causes in developing countries. And most of them are due to lack of regular screening of diseases and delay in seeking treatment. Detailed history of the prison inmates regarding previous systemic diseases, any operation, any psychiatric illness, drug or substance abuse etc. should be obtained. Whenever necessary a prior medical evaluation should be done to prevent custodial death. Decongestion and proper fumigation of detention cells along with maintaining hygiene may help to reduce respiratory diseases. Separate dietary plan is also recommended for certain diseases like diabetes, heart diseases, chronic kidney disease, hypertension etc. The police and jail personnel should be trained for providing primary medical aid and to recognize the early signs when medical intervention is needed.

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