

January-June 2021

Volume 30

Issue 1

PRINT ISSN: 2277-1867

ONLINE ISSN: 2277-8853



JOURNAL OF FORENSIC MEDICINE SCIENCE AND LAW

Official Publication of Medicolegal Association of Maharashtra

Editor-in-chief

Dr Ravindra Deokar

Associate Editors

Dr Sadanand Bhise

Dr Sachin Patil

**MULTISPECIALITY, MULTIDISCIPLINARY, NATIONAL
PEER REVIEWED, OPEN ACCESS, MLAM (SOCIETY) JOURNAL**

Editorial Office Address

Department of Forensic Medicine & Toxicology, Third Floor, Library Building, Seth G S Medical College & KEM Hospital, Parel, Mumbai, Maharashtra, India. Pin-400 012. Email id: mlameditor@gmail.com Phone: 022-24107620 Mobile No. +91-9423016325.



JOURNAL OF FORENSIC MEDICINE SCIENCE AND LAW

(Official Publication of Medicolegal Association of Maharashtra)
Email.id: mlameditor@gmail.com

PRINT ISSN:
2277-1867

ONLINE ISSN:
2277-8853

Original Research Article

Analysis of Female Deaths in Custodial Set-Up: A Ten-Year Retrospective Study

Rajesh V Bardale^a, Sandeep V. Haridas^a, Pradeep G. Dixit^b

^aAssociate Professor, ^bProfessor and Head,

Department of Forensic Medicine & Toxicology, Government Medical College and Hospital, Miraj, Dist. Sangli, Maharashtra, India.410410

Article Info

Received on: 10.03.2021

Accepted on: 16.03.2021

Key words

Death,
Custody,
Prison,
Police,
Female.

Abstract

Introduction: Fundamental rights occupy a place of pride in the Indian Constitution. Article 21 provides that no person shall be deprived of his life or personal liberty except according to the procedure established by the law. The expression "life of personal liberty" has been held to include the right to live with human dignity and indirectly it also includes a guarantee against torture and assault by State functionaries. Death of females in custodial setup is in small number and had received little or no attention. **Aim:** The aim of present study is to analyse the death of female inmates in custodial setup (police and prison) and to provide data so as to enable to formulate corrective reforms to prevent such untimely death. **Material and methods:** It was a postmortem examination based retrospective study. We examined all available files of inquest papers, autopsy reports, toxicological analysis reports, histopathology reports and case papers into the death of people in custody through 2009 to 2018. **Conclusion:** the present study had identified some traits of female deaths in custodial setup. These traits can be utilized to reduce the number of deaths.

1. Introduction

Fundamental rights occupy a place of pride in the Indian Constitution. Article 21 provides that no person shall be deprived of his life or personal liberty except according to the procedure established by the law. The expression "life of personal liberty" has been held to include the right to live with human dignity and indirectly it also includes a guarantee against torture and assault by State functionaries.¹ Deaths in custody are a well-established problem. Sometimes death is due to natural cause and at times it may be because of unnatural act. Previous studies had established that

most of the deaths were due to natural causes.² Many times, such deaths are associated with co-morbidities or due to exacerbation of illness or lack of availability of timely medical aid.

Death of females in custodial setup is in small number and had received little or no attention.³ In fact, in India, no female gender specific study was reported in the literature. The aim of present study is to analyse the death of female inmates in custodial setup (police and prison) and to provide data so as to enable to formulate corrective reforms to prevent such untimely death.

How to cite this article: Bardale RV, Haridas SV, Dixit PG. Analysis of Female Deaths in Custodial Set-up: A Ten-Year Retrospective Study. J For Med Sci Law 2021;30(1):16-18.

***Corresponding author:** Dr Rajesh V Bardale, Associate Professor, Govt. Medical College and hospital Miraj, Sangli, Maharashtra, India. Pin-410410. Email: bardalerv@yahoo.co.in (M): +91- 9420254589

2. Material and methods

This is a post-mortem examination based retrospective study conducted at Department of Forensic Medicine, Government Medical College and Hospital, Miraj. We examined all available files of inquest papers, autopsy reports, toxicological analysis reports, histopathology reports and case papers into the death of people in custody through 2009 to 2018. A standard Proforma was designed to collect the information to ensure consistency for the whole sample. Only female inmate death was included in this study. Information collected included age, sex, type of custody (prison or police cell), place of death/incident, medical attention received, presence of any associated disease, history of any psychiatric illness, substance abuse and cause of death.

3. Results

A total 119 autopsies in custodial setup (police and prison) were performed during the 10-year period from January 2009 to December 2018 out of which 7 (8.33%) cases were of female inmate. The year-wise distribution of the male and female custodial deaths is presented in Fig 1. The study consists of 7 female inmates. Age range was from 27 years to 89 years with mean age of 52.28 years. 01 deaths (14.28%) was occurred in police lockup while 6 deaths (85.71%) were recorded in prison (Table 1).

1 female who was in police custody committed suicide within 24 hours of the arrest. Amongst prison inmates, three females (42.85%) were convicted and 3 (42.85%) were temporary prisoners (under-trial / Magisterial remand). Among 7 deaths, 2 (28.57%) were unnatural and 5 (71.42%) were natural deaths (Table 2). Amongst natural causes, deaths due to myocardial infarction were noted in 2 (28.57%) cases. Presence of co-morbidity (Table No. 3) was found in 4 (57.14%) cases. Amongst them, right hemiplegia was found in 2 (50%) cases. Medical attention was received in 5 (71.42%) cases. 1 (14.28%) death was recorded in police lockup and 1 (14.28%) was recorded in prison cell (Table No. 4). These both cases were of hanging and ligature material used was saree and scarf respectively. In police lockup horizontal bar of window was used as a suspension point where as horizontal iron bar of prison door was used as suspension point in prison cell death.

Table No. 1: Distribution of cases as per type of custody.

Type of custody	No. of Cases (%)
Police	1 (14.28)
Prisoner under trial	3 (42.85)
Prisoner convicted	3 (42.85)
Total	7 (100%)

Table No. 2: Distribution of cases as per Cause of Death.

Cause of Death	No. of Cases (%)
Bronchopneumonia	1 (14.28)
Cerebral Infarction	1 (14.28)
Intracerebral Haemorrhage	1 (14.28)
Myocardial Infarction	2 (28.56)
Hanging	2 (28.56)
Total	7 (100%)

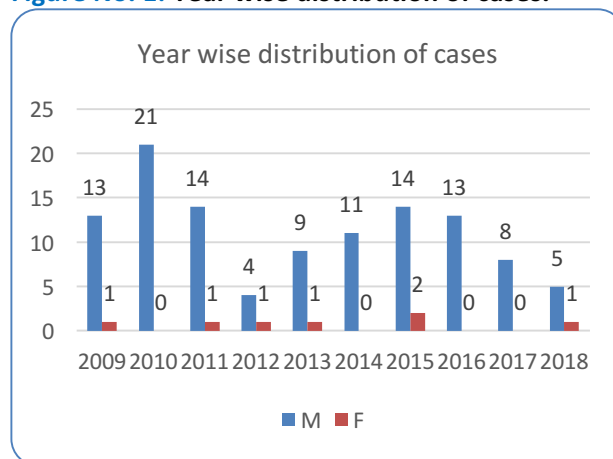
Table No. 3: Distribution of cases as per co-morbidities.

Co-morbidity	No. of Cases (%)
Diabetes Mellitus	1 (14.28)
Ischemic Heart Disease	1 (14.28)
Hemiplegia	2 (28.56)
No co-morbidities	3 (42.85)
Total	7 (100%)

Table No. 4: Distribution of cases as per Place of Death.

Place of Death	No. of Cases (%)
Lockup	1 (14.28)
Prison cell	1 (14.28)
Hospital	5 (70.44)
Total	7 (100%)

Figure No. 1: Year wise distribution of cases.



4. Discussion

Death in a custodial setup is a tragic event and it raises suspicion in the mind of family members. When a person is taken into custody, the law enforcing agency curtails person's liberty and movement. At the same time there is the implied responsibility of the custodian to protect and preserve the inmate taken into custody.⁴ The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convicted, under-trials, detainees and other prisoners in custody, except according to the procedure established by the law by placing such reasonable restrictions as are permitted by law.¹

In the present study, majority of deaths were due to natural causes (n=5, 71.42%). The findings are consistent with other studies.^{2,5} Amongst natural deaths, majority of deaths were due to myocardial infarction. Illness and existing comorbidities made the person more vulnerable especially if he or she is incarcerated. The concerned authorities should pay attention to the existing comorbidities before detaining an inmate. Complete history and copy of medical record should be readily available with the Doctor attached with that particular police station or prison.

In the present study, two suicide cases were noted. Studies conducted by various researchers in different countries had been found out an increase in suicide rates in custody.³ These inmates use available means as ligature material.^{6,7} In the present study self-clad sari and scarf was used as a ligature material. The suspension point was horizontal iron bar in the police-cell and prison-cell. The findings are consistent with other studies.^{6,7}

There exists paucity of research literature regarding female inmates' death in custodial setup. It may be because of relatively small number of deaths in comparison with a greater number of male inmates' deaths.³ Though the study was conducted over a period of ten years but female death appears small in number (**fig 1**). The reason for small numbers of female deaths can be attributed to less involvement of female in criminal act. 1 (14.28%) death was reported in police lock-up. It was a case of gold theft at goldsmith's shop. 3 female inmates (42.85%) were convicted and amongst them 2 cases (28.56%) were convicted under Section 302 of Indian Penal Code (IPC) and 1 case (14.28%) was convicted

under Section 465, 468, 471 and 34 of IPC with Section 146, 196 and 177 of the Motor Vehicle Act 1987. 3 female inmates (42.85%) were under-trial and amongst them 2 (28.56%) were trialled under Section 302 of IPC and 1 (14.28%) case was trialled under Section 304B, 498A and 34 of IPC.

5. Conclusion

Preventing death in custodial setup is paramount important because it is the responsibility of custodian to look after the well-being of the incarcerated individuals. On a concluding note, the present study had identified some traits of female deaths in custodial setup. These traits can be utilized to reduce the number of deaths. However, further studies are required to have an adequate data to prevent such premature exit.

Ethical Clearance: Yes.

Funding: None.

Conflict of interests: None.

References:

1. Judgement of the Supreme Court of India. D.K. Basu, A.K Johri verses State of West Bengal, State of Uttar Pradesh writ petition no. 592 of 1987 dated 18.12.1996.
2. Bardale R, Shrigiriwar M, Vyawahare MS, Dixit PG, Tayade SN. Death behind bars: A five-year study of custodial deaths. *Medicolegal update*. 2005;5(4):105-8.
3. Wobeser WL, Datema J, Bechard B, Ford P. Causes of death among people in custody in Ontario, 1990–1999. *Cmaj*. 2002 Nov 12;167(10):1109-13.
4. Mittal DR, Jasbir S, Rai G, Jumar K, Sharma RK. A two-year prospective study of custodial deaths from Punjab region of India. *Medicolegal Update* 2019; 19:757-62.
5. Bardale R, Dixit P. Natural deaths in custody: A 10-year mortality study. *Journal of Indian Academy of Forensic Medicine* 2011; 33 (4):328-31.
6. Bardale R, Dixit PG. Suicide behind bars: A 10-year retrospective study. *Indian J Psych* 2015;57: 81-84.
7. Bardale RV, Ninal NS. Hanging in custodial setup: A 10-year analytical study. *J For Med Sci Law* 2019; 28(1): 3-5.