Custodial Deaths - Tamil Nadu Case (Sathankulam)

Why in news?

'Custodial death' of a father and son in Sathankulam town in Tamil Nadu's Thoothukudi district has led to protests.

What happened?

- The deceased have been identified as P. Jayaraj (58), a timber trader, and his son, J. Benicks, 31.
- They ran a mobile phone service and sales centre in Sattankulam town in Thoothukudi district.
- On June 19, 2020, Jayaraj was in the mobile phone showroom of his son Benicks.
- Personnel from the Sathankulam police station were on patrol duty in the evening.
- The police picked him up for allegedly keeping the shop open in the evening in violation of lockdown restrictions.
- The police reportedly verbally abused Jayaraj and assaulted him.
- His son Benicks, who came to the spot, appealed to the police to release his father.
- When the police allegedly assaulted Jayaraj with a baton and roughed him up, Benicks tried to save his father.
- After thrashing the father and the son, the officers took them to the police station.
- The father and the son were arrested for allegedly keeping their outlets open after permitted hours.
- Both of them were booked under several sections of the IPC including -
    i. Section 188 (disobedience to order duly promulgated by public servant)
    ii. Section 383 (extortion by threat)
    iii. Section 506 (ii) (criminal intimidation)
- They were remanded to judicial custody.
- The third day, after a medical check-up, the duo was lodged in the Kovilpatti sub-jail.
- That evening, local residents alleged that Benicks had complained of chest pain and Jayaraj had high fever.
- Both were taken to the Kovilpatti government hospital, where Benicks died

the next day evening.
- The morning of the following day, Jayaraj too developed “chest pain”, had respiratory illness and died.
- Relatives alleged that both of them were thrashed again in the police station, as they were witnessing it from the entrance of the police station.
- Eye-witnesses have said that the father-son duo had suffered sexual torture (inflicted using lathis) at the police station.
- Jayaraj’s wife Selvarani has lodged a complaint, alleging that police brutality led to the death of her husband and son.

What was the State's response?

- In a swift response, the Madurai Bench of the Madras High Court took suo motu cognisance of their death.
- It has decided to monitor the progress of the statutory magisterial probe.
- It has asked for a status report from the police, and also directed that the autopsy be video-graphed.
- Chief Minister Edappadi K. Palaniswami has announced a compensation of Rs. 10 lakh each.
- The two sub-inspectors involved have been suspended and an inspector placed on compulsory wait.

What are the serious concerns involved in this?

- **Custodial violence** is not new to India.
- Custodial deaths are often the result of the use of torture in India’s police stations for extracting admissions of crime.
- It is also common for the police to use their power and authority to settle personal scores.
- But even with such track record, the death of Jayaraj and Benicks is alarmingly absurd given the cause of arrest and the kind of violence inflicted.
- It is a wrongful abuse of authority by the law enforcement machinery.
- In this case, the father was thrashed even before being taken to the police station.
- **Lockdown** - Since the lockdown, there have been innumerable reports of the police and officials attacking citizens in the name of enforcing restrictions.
- They have been awarding personalised punishment on violators, and sometimes kicking and overturning carts containing items for sale.
- The custodial deaths flag the failure to have guidelines to handle lockdown violations.
- **Cases filed** - Their offence would have only attracted Section 188 of IPC (for disobeying the time restrictions ordered by a public servant).
- But they were also booked under other Sections stating extortion by threat

and criminal intimidation.

- It is well known that the police include ‘intimidation’ in the FIR solely to obtain an order of remand, as it is non-bailable.
- The inclusion of non-bailable sections for a lockdown violation indicates a prior inclination to harass the two and cause suffering.
- **Larger concern** - If ultimately established as custodial murder, it would only mean that the problem is much deeper.
- The issue goes beyond mere lack of professionalism in investigative methods.

What does it call for?

- The mere suspension of police personnel involved is an inadequate response to this.
- The police should register a case of murder.
- The matter should be taken over by an independent agency for a fair investigation.
- The higher authorities in the police too will have to bear responsibility for this atrocity.
- Because, it indicates a failure to lay down norms for policemen on the field to handle lockdown violations with humaneness.

Source: The Hindu

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