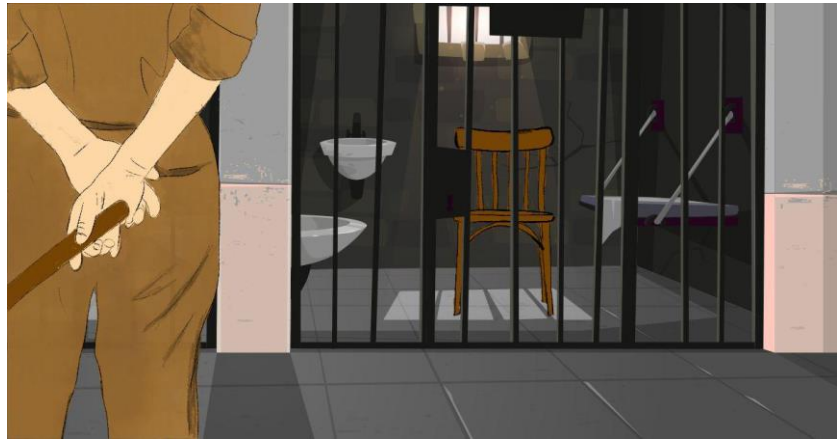


The Tamil Nadu police's brutal violence against the state's weakest citizens

Among South Indian states, Tamil Nadu has the highest incidence of custodial deaths. The government has done little to change this.

[Johanna Deeksha](#) | Yesterday · 08 July 2024 | 06:30 am

R Dhanalakshmi and Rajarathinam P were at their fish store, in Coimbatore, on September 16, 2023, when their son's boss phoned. The boss asked if their son, Jayakumar, had returned home.



Dhanalakshmi was surprised. It was only 5 pm. Jayakumar, a cab driver, always returned from work late at night.

“That’s when he told me that the police had picked up my son that morning,” 39-year-old Dhanalakshmi recounted. “He told us that the cops assured him that he would be let go quickly.” Their son’s boss told them that he had been taken to the Saravanampatti police station.

Dhanalakshmi was furious that he had waited so long to tell them the news. But she had no time to fret. She called relatives and friends, asking what could be done, and then set off for the police station. Police there did not give the couple any information, but at around 9 pm, they saw personnel escort Jayakumar into a jeep. They did not let his parents speak to him.

The next day the distraught parents returned to the station, only to be told that their son had been moved to the Katoor police station nearby. But when they visited it, police there did not give them any information, and instead directed them to another station, where again

they were stonewalled. In desperation, they even called 100, the police helpline number, to try and get some information.

It was only the next day, when they returned to the Katoor station, that a policeman took them aside and told them that Jayakumar was in fact there. He said their son had a fever and cough and was being given medicines. “They told us that they had not beaten him but were merely questioning him in connection with an attempt-to-murder case,” Dhanalakshmi said.

She was shocked. “There was no way that he had anything to do with the case,” she said. “But I didn’t want to argue with them, I just needed to see my son.”

Finally, they were led to a room where Jayakumar was being held. “He had a swollen eye and his lips were bright red,” Rajarathinam said.

Before his parents could speak to him or even see him clearly, the police instructed Jayakumar to turn away. “Then they suddenly started to ask us what our caste was, what our jobs were and other personal questions,” Rajarathinam said. Soon after, the police asked them to leave the station and not return until they were summoned. The parents left, wracked with anxiety.

They were particularly worried because the Tamil Nadu police is notorious for inflicting brutal violence on those in its custody.

According to [data](#) presented in the Lok Sabha, between 2018 and 2023, Gujarat saw the highest number of custodial deaths among Indian states, with 81 deaths, followed by Maharashtra, with 80. Among south Indian states, Tamil Nadu had the highest number, with 36 custodial deaths.

Police violence in the state shot into the spotlight after news reports appeared of a 2020 case in which a father and son, P Jeyaraj and J Beniks, were [murdered](#) in police custody in Sathankulam in Thoothukudi district, after being arrested for keeping their shop open beyond Covid-19 lockdown curfew hours. As details of their brutal sexual assault and torture sent shockwaves across the country, pressure intensified on the police and the state government to take

swift action. The Central Bureau of Investigation named ten policemen in the chargesheet, one of whom has since died. So far, five policemen have been arrested in the case. Activists noted that this was one of the very few cases in which police personnel were arrested. The trial in the case is still underway.

In most other cases, activists argue, the government displays an overwhelming lack of will to address the problem of custodial violence. In 2023, for instance, media [reports](#) appeared that stated that the Indian Police Service officer Balveer Singh had tortured 19 people who at some point had been in his custody. Many of the alleged victims, of whom one was a minor, told media that Singh had pulled their teeth out using cutting pliers. At first, the state government suspended Singh. But in January 2024, the government revoked his suspension. At that [point](#), activist Henri Tiphagne, executive director of the NGO People's Watch, said the Tamil Nadu government was deliberately trying to “shield officers like Balveer Singh”.

The problem continues [unabated](#). In April, four cases of alleged custodial deaths were reported in 12 days, of G Karthik from Madurai, K Raja from Villupuram, S Santhakumar from Chennai and S Jayakumar from Virudhunagar. *Scroll* emailed the state police, seeking responses to allegations of custodial violence against its personnel. This story will be updated if they respond.

Four days after Jayakumar's arrest, police told his parents that he was at Tiruppur jail, almost 190 km away from Coimbatore – when they reached there the next day, they were finally allowed to meet him.

“I will never forget that day and how he looked. He could not walk. I had to help him,” Dhanalakshmi said, tearing up, while we sat in her house three months after that day. “That is when we got a few minutes with him and he explained what had happened.”

Jayakumar said that he had been driving a car at a location in Coimbatore where an alleged attempt to murder had occurred. But, he said, he had been asked by an acquaintance to pick them up and take them there. “He just drove them there because someone hired him for the cab,” Dhanalakshmi said. “He had no knowledge about anything

else.” The parents were unaware if the acquaintance was alleged to be involved in the attack.

Jayakumar also told them that after police took him into custody, they did not take him directly to the station. Rather, he said, they took him to different rooms in locations in the city. Through this time, he said, they blindfolded him, stuffed his mouth with a cloth and repeatedly beat him. They also spread his legs apart and stood on his thighs. “His thighs were massively swollen,” Dhanalakshmi said, demonstrating with her hands. “And then he told us that there was blood in his urine.” Jayakumar pleaded with his parents to find a way to release him. “He said after all this is over, we should all just move away to a place where nobody knows us,” Dhanalakshmi said.

The next day, more shocks awaited the parents. When they returned to the jail, police said Jayakumar had been taken to a government hospital in Tiruppur – but when they went there, doctors told them that the police were transferring him to Coimbatore Medical College and Hospital because their hospital was not equipped to treat him.

The couple rushed back to Coimbatore. At the hospital, a doctor told Rajarathinam that Jayakumar needed dialysis. “I had never heard the word before,” he said. “I had no idea what they meant.”

They called up relatives to ask about dialysis. “A doctor told me that they only do that procedure when the kidneys have failed,” Dhanalakshmi said. “My son barely ever fell sick. He was a healthy person. Now they had beaten him so badly that they had managed to damage his kidneys.”

Scroll accessed a medical report from the Coimbatore hospital that stated that Jayakumar had suffered “rhabdomyolysis”, a condition involving acute muscle injury, and that this had led to kidney damage. The parents were barely allowed any time to see their son. “But the few minutes that we did, Jayakumar was so scared and said he did not know if he would survive this,” his mother said.

After a relative advised them to seek help from human rights organisations, Dhanalakshmi contacted Tiphange’s People’s Watch. Subsequently, the organisation filed a petition in the Supreme Court

which issued orders that Jayakumar be given proper medical treatment immediately. He was shifted from the prison ward to the intensive-care unit of the same hospital and given treatment.

The court order made the police jittery, the parents said. In the days that followed, police met with Dhanalakshmi and Rajarathinam regularly. “They would ask us if they could arrange for a job for Jayakumar somewhere far away from Coimbatore where he can stay away from all this trouble,” Dhanalakshmi said.

She alleged that the police also offered them money to “shut up about all of this”. Further, she alleged that police indicated that they could provide the couple with a new house. “They also asked us if we wanted to shift him to a private hospital and that they would foot the bill,” she said. But the couple refused to enter into any conversations with the police on these matters.

In September 2023, the parents sent a complaint to the police, district and state level oversight committee and to the Tamil Nadu State Human Rights Commission against the police for custodial violence. Dhanalakshmi also moved a judicial magistrate seeking intervention in the case, stating that the police had violated sections 41(b) and 46 of the Criminal Procedure Code, which pertain to procedures to be followed while making arrests, as well as section 57, which states that an arrested individual can be detained for more than twenty-four hours.

“Whatever happens we want to ensure that the police who were involved be punished,” Dhanalakshmi said.

The family’s determination to resist temptation and threats is particularly remarkable given their limited social influence and monetary resources. According to [data](#) from the National Campaign Against Torture, police frequently target such families – 71% of custodial deaths that occurred in India in 2017-’18 involved people from underprivileged families.

Tiphagne, who has been working in the field for more than 40 years, noted that conviction rates were abysmal and that as a result, families of victims of custodial torture filed complaints

against the police only in one in every 100 or so cases. Indeed, according to a [news report](#), the National Crime Records Bureau data records 1,888 custodial deaths in the last 20 years. However, only in 893 instances were cases registered, and only 358 police personnel were chargesheeted. Of these, only 20 were convicted.

Tiphagne observed that as allegedly occurred in Jayakumar’s case, families are often promised money or jobs, or other such rewards, if they refrain from filing an official complaint. If those offers don’t work, he added, police resort to threatening them.

The Coimbatore district court granted Jayakumar conditional bail on November 7. Dhanalakshmi and Rajarathinam said they had not had much contact with the police since then. “But we know that they are keeping a close eye on us,” Dhanalakshmi said.

Tiphagne noted that it was a “miracle” that Jayakumar survived, and that it was only because he had support from activists that he was given proper medical treatment. “The same thing that happened to Jeyaraj and Beniks would have happened to him,” he said. “I could not have let him stay at Coimbatore Government Hospital because I don’t trust that he would have been safe.”

Scroll emailed the chief minister’s office, seeking responses to queries about the prevalence of custodial violence in the state. *Scroll* also texted the Coimbatore Medical College and Hospital and the Government Stanley Hospital, asking about allegedly improper treatment, improper procedures and lack of safety of victims of custodial violence. The story will be updated if they respond.

When I first met Abdul Rahim, he asked me what my mother’s name was. Confused, I asked him why he wanted to know – he explained that I resembled the daughter of one of the policemen that assaulted him. He later explained that police were constantly seeking ways to meet with him, to either offer him money or threaten him. “Even just three months ago they threatened to file additional charges against me if I didn’t withdraw my case against them,” he said.

Rahim is a resident of North Chennai, an area that is inhabited largely by poorer communities. LP Saravanathamizhan, the North Madras

district secretary of the Democratic Youth Foundation of India, noted that most of the cases of custodial violence in the city occur in the locality.

According to Saravanathamizhan, the region is heavily policed in comparison to other parts of Chennai. “Often, young people are picked up by the police without any reason,” he said.

He alleged that the police “have a quota of arrests to reach every month and they need someone to take the fall”. Thus, they often “throw people into jail without proper evidence”, he said.

Rahim graduated in 2023 with a degree in law. He recounted that one night in January 2022, while he was still a student and working part-time at a medical shop, he was cycling home when police stopped him. It was 11.30 pm and restrictions on movement were in place as part of measures against the spread of Covid-19. The police asked why he was outside, and demanded he pay a fine because he didn’t have his mask on. Rahim told me that he had been wearing one but that it had slipped down his nose.

Rahim refused to pay the fine. “I tried to explain to them that medical shops were allowed to remain open and that is why I was also allowed to be outside and they had no right to harass me,” he said.

But, he said, the police grew angry. “They pulled me by the collar and threatened to take me to the station and beat me up if I didn’t pay,” Rahim recounted as we sat at the Washermanpet metro station on January 13, exactly two years since that night.

The police dragged Rahim into their jeep. After they asked him a few questions, they allowed him to leave – but when he demanded that they return his cycle, they grew angry and brought him back into the jeep again. “After that they started to beat me,” he said.

Later that morning, police filed charges against Rahim under five sections of the Indian Penal Code, including section 294(b), which pertains to obscene acts and songs, and section 332, which pertains to voluntarily causing harm to deter a public worker from doing their duty. “They told me that they were filing a case against me for

assaulting the police,” Rahim said. “I didn’t do anything at all. At one point I tried to defend myself by shielding my face with my hands and they claimed I tried to hit them.”

Rahim recounted that the police took turns to beat him, and that one also uttered a communal slur. “I tried to speak in English because I thought they would understand that I’m a student and educated.” But that angered them more, he said.

In the midst of this ordeal, Rahim decided to try and capture some evidence of what was happening to him – when the police were distracted, he placed his phone in such a position that it [captured](#) a few minutes of physical assault that followed after.

A few hours later, at around 4 am, the police took Rahim to a private hospital nearby to suture a cut near his eye, caused by the beating. An hour or so later, they allowed him to make a call and tell his family where he was.

At around 11.30 that morning, Rahim’s mother and seniors from his law college arrived at the hospital, along with other advocates. The lawyers took pictures of his injuries and helped Rahim file a complaint with the Kodungaiyur police, detailing what had happened to him. They then asked police to shift him to Government Stanley Hospital, in North Chennai.

To his dismay, at Government Stanley Hospital, doctors prepared a report stating that he had only one injury, and declared that he was fit enough to be remanded by the police.

“The doctors in these hospitals are hand in glove with the police,” Rahim said, an allegation that Jayakumar’s parents had also made. “This isn’t just about the police, it is about how the doctors try and hide or minimise the torture in their reports and allow the police to do what they want with us,” he added.

That evening, police took him to a magistrate in Chennai. When Rahim told the magistrate that the police had assaulted him, the magistrate directed the police to return to Government Stanley Hospital and admit Rahim there.

Instead, Rahim recounted, police took him to Chengalpattu prison, in the neighbouring district of Kancheepuram. On the way there, he said, they threatened him. “They said they would ensure that I was in jail for at least ten days and that they would beat me again if I kept telling people that there was custodial torture,” he said. “I kept thinking that I’m going to be beaten to death in prison.”

In desperation, Rahim decided to jump out of the jeep, hoping the injuries he suffered would force police to take him to a hospital. But he did not sustain major injuries – and the police proceeded with him to Chengalpattu jail. However, authorities there instructed them to take him to the Government Chengalpattu Medical College and Hospital.

There, Rahim recounted that police told doctors that neighbours had assaulted him. At 9.30 pm, almost 24 hours after he was taken into custody, Rahim was given proper treatment for his injuries. He stayed at the hospital for two nights and was given bail on the third day.

The following day, Rahim’s seniors protested against his arrest in front of the office of Chennai’s deputy commissioner of police. The deputy commissioner met with Rahim in his office and subsequently ensured that he was admitted to Government Stanley Hospital. He remained there for eight days.

Meanwhile, about six days after his arrest, Rahim filed another complaint, with the Pulianthope police in Chennai, against the police personnel who assaulted him. It was only a year later, however, that a magistrate in Chennai issued orders directing the police to conduct a formal enquiry into the allegations. “It is obvious from the final report that the petitioner had been subjected to physical assault,” the magistrate observed. The police denied the assault and the case did not progress, Rahim said. But in March 2024, the magistrate ordered that the case be transferred away from the local police, and to the Crime Branch, Crime Investigation Department, the investigation and intelligence wing of the state police.

Rahim said that since the time of his arrest, police had continued to maintain contact with him and had often threatened or tried to coerce him into withdrawing the complaint.

In the last two years, he has attended every hearing in the cases filed against him, and is determined to keep at it. “Since I live in North Chennai, throughout my life I have seen police come and pick up young boys from their homes,” Rahim said. “This is not just about me. I won’t let any of their threats or offers of money change me.”

The evening that I met Rahim, we visited the Chennai office of the Democratic Youth Federation of India. There Rahim spoke to Kousalya, whose husband Dinesh Kumar died in December 2022, a few hours after being released from police custody. Rahim told her to remain persistent and ensure that the police are punished. “Don’t give up hope,” he told her. “We have to fight for ourselves,”

At around 9 am on December 20 that year, Dinesh, a daily-wage labourer, left his home in North Chennai for work. About an hour later, Kousalya received a call from a person who claimed to be Dinesh’s friend. He told her that Dinesh had been taken into custody at Thoraipakkam police station in Chennai. The caller said that Dinesh had been arrested for the theft of a mobile phone and that the caller had the phone with him. Not long after, the caller arrived at her house, handed her a phone and asked her to surrender it to the police. When she proceeded to Thoraipakkam police station, the police berated her for marrying a “criminal” like Dinesh and told her that he stole mobile phones.

Dinesh was released that evening – but to Kousalya’s horror, he was severely injured. “He was in a terrible state, they had beaten him brutally,” she said. “He could not even stand up. I had to help him walk to the auto.”

On the way back to their home, Dinesh asked for some juice – Kousalya bought some from a shop and gave it to him, but he vomited immediately. At home, she urged him to eat some food, but he vomited again.

Kousalya then took Dinesh to see a doctor – Dinesh asked her not to tell the doctor that he had been beaten by the police. “I told them he fell off his bike,” she said. The doctor prescribed medicines for Dinesh’s vomiting. After dinner, Dinesh said he was feeling nauseous again, and asked to go to the bathroom. When he was inside, Kousalya heard a thud from within. She pushed the door open and found Dinesh collapsed on the floor. She called her neighbours and rushed Dinesh to Government Stanley Hospital – but he was dead by the time they reached.

Though it has been over a year since Dinesh’s death, Kousalya said she had not received the postmortem report from Government Stanley Hospital. She filed a police complaint at Thiru Vi Ka police station, alleging that her husband died of injuries he sustained after being subjected to custodial violence. The case was transferred to the Crime Branch, Crime Investigation Department, which summoned her for questioning thrice. She was also summoned twice by a magistrate. She alleged that police who were accused in the case had approached her in-laws and offered them money to persuade her to withdraw the complaint.

Saravanthamizhan said local politicians turned up at the mortuary to offer Kousalya money. “Imagine coming to the mortuary to pay family members to keep their mouths closed,” he said. “They won’t even wait for the family to accept what has happened.” He said he had encountered other cases too, in recent years, where local politicians paid small amounts of money families of custodial torture victims to remain silent.

The problem of custodial torture in Tamil Nadu, and across India, is compounded by the absence of a sound legal framework to tackle the problem.

In 2010, P Chidambaram, the minister of home affairs, introduced a bill in the Lok Sabha to “provide punishment for torture inflicted by public servants or any person inflicting torture with the consent or acquiescence of any public servant”. The bill proposed to ratify the provisions of the United Nations Convention against Torture.

But in 2014, with the dissolution of the Lok Sabha after the general election, the bill lapsed without being passed into law.

In 2016, a petition was filed in the Supreme Court with a demand for a specific legislation to deal with custodial torture based on the United Nations convention. But the court dismissed the petition, arguing that it was the role of the legislature to pass laws.

In 2017, the Law Commission of India conducted an analysis of the UN convention and suggested that the Centre consider its ratification. But the Centre did not act on this recommendation.

Five years later, ET Mohammed Basheer, a member of parliament from Kerala, introduced a private member's bill in the Lok Sabha, titled "The Prevention of Torture Bill". He noted in the draft, "The existing law is inadequate and ineffective in dealing with the custodial crimes and in many cases, the erring officers go scot-free on account of the complainants' inability to prove the case against them."

Among the proposed bill's provisions was that the family of any arrested person would have to be informed of their arrest immediately, and of where they were being detained. The bill also proposed that in any instance in which a person in a government servant's custody suffered injury or death, the government would be liable to pay compensation to the individual or their family. The bill has not been passed yet.

But, Tiphagne argued, "Even though there isn't an Anti-Torture Bill and the United Nations Convention against Torture has not been ratified, our law still does not permit torture". He added that Article 21 of the Constitution guarantees "the right to life and personal liberty, which includes the right to be free from torture and other cruel, inhuman or degrading treatment or punishment".

In 2006, after a recently retired director general of police from Assam filed a public interest litigation in the Supreme Court demanding reforms in the police, the court recommended that a Police Complaints

Authority be established at the state and district levels. Today, Tamil Nadu has these bodies. But Tiphagne said that they had not been effective. “Police refuse to take action against their colleagues,” he said. He was also disappointed with other statutory bodies. “Even though the National Human Rights Commission and the State Human Rights Commission have suo motu powers, they often don’t initiate enquiries into cases where there is evidence of torture,” he said. “When they can order compensation, why do they not go to the extent of ensuring that prosecutions follow?”

In response to queries from *Scroll*, the National Human Rights Commission stated that it “had been taking a serious view of the incidents relating to custodial torture”. Between June 1, 2014 and June 14, 2024, it noted, it had taken cognisance of 13 cases of custodial torture, of which two were from Tamil Nadu.

Tiphagne noted that apart from the police, other officials also typically went unpunished. In the Bennicks and Jayaraj case, for instance, he said, the medical doctor and judicial magistrate who sent them back to custody even though they had been severely brutalised had not been prosecuted. “Despite the condition that they were in, the doctor, the judicial magistrate and the jail authorities, all decided that they were fit to go back to custody and did not need further medical treatment,” he said. “How many magistrates encourage people to speak about the torture? How many ask if they have been tortured or not?”

Given the lack of systemic will to address the problem, he added, it was understandable that families hesitated to file complaints. “They have to fight against their immediate family, extended family, community leaders, and political leaders,” he said, “and overcome confrontations with all these groups before they can finally come out and file a case.”

<https://scroll.in/article/1068691/the-tamil-nadu-polices-brutal-violence-against-the-states-weakest-citizens>