

Sathankulam Custodial Deaths: A Woman Constable Risked Her Safety To Provide Crucial Testimony

Five accused policemen have been arrested in the Jayaraj-Bennix murder case, but since giving her statement, the woman constable has not appeared in public. A woman head constable's decision last week to appear as witness in the case of Jayaraj and Bennix's death due to alleged custodial violence is being hailed as an act of monumental courage.

The constable approached the judicial magistrate last week and gave testimony against her male colleagues accused of causing the death of the father and son by subjecting them to assault and torture at the Sathankulam police station in Tamil Nadu's Thoothukudi district.

The Madras High Court's Madurai bench said on June 30 that the constable's statement in particular had been *prima facie* enough to charge the accused Sathankulam policemen with murder. Sub Inspector Raghu Ganesh was arrested on July 1. Inspector Sridhar, Sub Inspector Bala Krishnan and head constable Murugan were arrested on July 2. On July 3, Thoothukudi district police arrested head constable Muthuraj who had been absconding.

But since her testimony, the 38-year-old woman constable has not appeared in public. She stays at home, having availed one month of leave from service, with court-ordered police protection outside her house.

While jurists and human rights defenders in Tamil Nadu struggle to recall a similar occasion in which a member of the law enforcement has testified against police officials accused of custodial torture or murder, the woman constable maintains she simply did her duty.

"Don't read my testimony in the court as an act of defiance. I have just done the duty of an honest and responsible citizen who believes in the rule of law. It was just my duty and responsibility. I have nothing more to say on it," she told *HuffPost India* over the phone.

The Judicial Magistrate probing the case told the Madras High Court's Madurai bench that the constable feared receiving threats if she revealed facts about the incident. She signed her statement only after being assured of her safety, he said. In apprehension of threats from those associated with the accused policemen, the constable's family said none of them have stepped out of the house since she gave her statement in the case.

Her testimony was confidential but a leak of its contents has made the whole family insecure.

Last Thursday, four police personnel were deputed to guard her house after the constable approached the Madras High Court in the face of repeated threats.

"I feel safe now as police constables are guarding my gates as per a High Court order. I will continue to stand by whatever I have testified before the court. The law and justice must prevail," the woman said.

The constable's husband says honesty and integrity were the two pillars on which she has built a police career that began about 15 years ago after three consecutive attempts at the qualifying examination. "Becoming a police officer had been her passion since childhood and she pursued the dream single-heartedly till achieving it by fighting many obstacles," he said over the phone.

The daughter of a bus conductor, the constable has three brothers and a sister. After passing class 12, she prepared for the police recruitment exam on her own, finding resources to pursue her dream by doing part-time jobs to avoid depending on her father's meagre income.

"She was always honest to the core. A self-made person, she has the determination and courage to survive all the present challenges. My family and I stand with her in these troubled times," he said.

"She spoke in the court as per her conscience and she will repeat it anywhere," he said, adding that he was proud of her conviction and courage.

The constable's husband recounted on June 19, the day Jayaraj and Bennix were taken into custody by Sathankulam police, she had left for night duty at 7 pm.

At around 8.30 pm, she called her husband and told him that her male colleagues were beating a person severely. Around 10 pm, she told him over the phone that her colleagues were beating one more person. Reports say Bennix had rushed to the police station after he heard of his father's arrest.

The constable told her husband she gave Jayaraj some water when he asked for it. Around midnight, she told her husband that the beating had continued and the two people in custody were bleeding profusely.

The next day Jayaraj's family found father and son severely injured at the police station. Following their intervention, the two were taken to the local government hospital, their clothes soaked in blood due to severe bleeding.

But hours later, Jayaraj and Bennix were taken to Sathankulam magistrate court where they were sentenced to judicial custody in Kovilpatti sub jail. The magistrate had not attempted to ensure the arrested were physically fit or stable.

On June 22 evening, the father and son were shifted to the government hospital again. Due to continuous bleeding and severe external and internal injuries from torture, Bennix died late evening on June 22, and Jeyaraj died in the wee hours of June 23.

"After their death at the hospital, she (the constable) felt worried and sought my advice on the stand to be taken. She wanted to speak truth if the government ordered an investigation and told me she was ready to face any consequence including dismissal. I extended my full backing to her decision," the constable's husband said.

While her family worries for their safety, the constable is receiving increasing amounts of support, not just in Sathankulam and Thoothukudi but among the entire Tamil speaking community.

She has been lauded by National Award-winning filmmaker Vetrimaaran and actor-turned-politician Kamal Haasan. A writer in Tamil edition of BBC dubbed her 'Iruirilum Oli Paaychulla Nakshathram' (a star that illuminates darkness). Hundreds of young Tamil people on Twitter are equating her to Devasena, the protagonist in

South Indian blockbusters Bahubali 1&2. Across Tamil diaspora, she has become an icon of dedication and courage.

“Never in the four decades of my continuous engagement with human rights issues across the country have I found a police constable who acted as per conscience and gave testimony against her brutal colleagues. Her testimony was one among the key factors that prompted judges of Madras High Court to observe two days ago that there was prima facie material to book the accused police personnel for murder,” said Henry Tiphagne, founder and executive director of Madurai-based human rights organisation People’s Watch.

“Two high court judges have spoken to her over the phone in the face of threats. It was unprecedented in the annals of Indian judiciary. The judges assured her that everyone in her family would be protected. It was a big gesture, prompting many others to come out and testify against the brutalities of Sathankulam police,” he said.

The police in Sathankulam have a notorious recent history of custodial violence.

“The constable is now a symbol of our reposed faith in the system. She was the lone staff at the police station who was willing to state before the magistrate what had happened on the night of June 19. As an eyewitness, her statement is crucial in punishing those who committed the atrocity. Her honesty and courage must be supported and appreciated,” said Chennai-based human rights lawyer Sudha Ramalingam. According to her, many station employees had refused to give testimonials against the culprits in the face of organised attempts to hush up and dilute the case.

“The entire police department in the state along with ruling politicians are still attempting to derail the case and ensure protection to the police officials who committed the crime. Even Chief Minister Edappadi K Palaniswami had attempted to save the police officials by denying any kind of custodial torture had happened at the station. The local jail authorities and even doctors at the local government hospital have taken a stand supporting the cops accused of custodial torture,” she said.

Kovilpatti Magistrate MS Bharathidasan, who visited the station to prepare a report on what happened, said an atmosphere of fear prevailed in the area. He told the Indian Express that the police present at the station had destroyed evidence and attempted to intimidate his team.

Bharathidasan’s report said a total of 13 officers were present during the night Jayaraj and Bennix were assaulted.

The arrest of five accused policemen has given Jayaraj’s family a flicker of hope.

His daughter Persis told HuffPost India that this was the first success in their battle for justice. She said their fight would continue till all the culprits responsible for the murders were arrested. “We are very thankful to the head constable whose conviction helped us get at least a portion of justice,” she said.

https://www.huffingtonpost.in/entry/sathankulam-constable-jayaraj-bennix-custodial-death_in_5f004108c5b6acab2850c851