Activists say considerable time was lost in providing care to Jayaraj and Benicks

Despite the Kovilpatti sub-jail records showing that trader Jayaraj, 58, and his son Benicks, 31, had bleeding injuries on their gluteal region when produced by the Sattankulam police for judicial custody on June 20 afternoon, there was a significant delay of two days in treating them.

A doctor examined them only on June 22 and Benicks died the same night, while his father died the next morning at the Kovilpatti Government Hospital.

Human rights activists have questioned why the prison officials despite bringing on record bleeding injuries did not take them to the GH on June 20. The People’s Union for Civil Liberties (PUCL) and People’s Watch-Tamil Nadu accused jail authorities of negligence and dereliction of duty.

However, a prison official contended that there was not much for jail officials to do after a government doctor and judicial magistrate found the accused persons “fit for remand”.

Henri Tiphagne of People's Watch endorsed it. “There is information that a doctor was called in by the jail officials on June 21. But we have to check if it is true. I strongly suspect that the victims had serious internal injuries. A histopathology analysis of the samples taken during post-mortem will provide the correct details on the nature and intensity of injuries. Unfortunately, in an era of Right to Information and Supreme Court rulings, the family is yet to get a copy of the interim report of the post-mortem,” he said.

**Conscious decision**

A prison official also denied foul play in remanding Jayaraj and Benicks in Kovilpatti sub-jail, located over 100km away from Sattankulam. He said remand prisoners were lodged in sub-jails before being taken to central prisons as part of the precautionary measures to prevent the spread of COVID-19. Since the Perurani sub-jail, nearer to Sattankulam was fast filling up, a decision was taken to remand them in Kovilpatti sub-jail to avoid congestion, he said.

Asked why the two were not taken to hospital despite injuries, the official, contended that a government doctor and a judicial magistrate had seen them before the remand for judicial custody. “Besides the police, two independent authorities certified on record that they were fit for remand. Since a doctor already cleared them, the jail officials would have thought that there is no need to refer them to the Government Hospital again,” the official said.

He added that a doctor visited the sub-jail on June 22 and prescribed some tests to be conducted on both the next day. However, Benicks developed complications the same evening and had to be rushed to the hospital in an autorickshaw. Later his father also complained of uneasiness and shifted to the hospital where they died, he said. Crime Branch CID officials could not be contacted for their response.
“Dereliction of duty”

Holding the delay in providing treatment as a serious abdication of responsibility, PUCL national general secretary V. Suresh, said, “They were duty-bound to take them to the hospital immediately irrespective of the decision of the doctor or magistrate who might have found them fit for remand. The officials should have acted on what was obvious and visible than merely going by records.”

According to him, the Jailor as custodian of the prisoner was fully responsible for their safety. “There were blood stains in the vehicle in which they were taken from the police station to Kovilpatti...they could have probably survived had they been taken to the hospital in time,” he said.