

## **No way Jayaraj, Beniks could have survived with those wounds, says kin who witnessed post-mortem**

*While several details are conflicting, the people of Tamil Nadu are outraged at the custodial deaths of Jayaraj and his son Beniks who were arrested only because their shop was open beyond the permissible time limit.*

he names - Jayaraj and J Beniks are now etched in the memories of Tamil Nadu's residents after the duo emerged as the latest victims of one of the worst instances of police brutality in the history of the state.

One can say that the outrage is tenfold simply because these two were not criminals. They were innocent citizens and their only fault was that they kept their shop - a mobile store - open beyond permissible hours.

It has been over four days since their deaths and an FIR is yet to be filed in this regard.

The DMK's MP from Thoothukudi, Kanimozhi tweeted on Saturday, "In spite of the clear guidelines given by the NHRC, and even after 4 days, No FIR has been filed in the Sathankulam custodial murder case and no one has been arrested. Why is the Govt/CM still silent? What are they waiting for?"

### **Conflicting details**

Several discrepancies have come to light about the details of the events of June 19.

A status report filed by the Superintendent of Police (Thoothukudi) Arun Balagopalan in the court states, "FIR with section under sections 188, 269, 294(b), 353, 506(ii) IPC was registered by Raghu Ganesh, Sub Inspector of Police, Sathankulam Police Station on 19.06.2020 at 22.00 hrs. based on the complaint preferred by Head constable Murugan in which it was stated that Jayaraj and his son Beniks had not closed their mobile shop near Kamarajar Statue, Sathankulam even after the permitted time and thereby violated general prohibitory orders."

"Further, when beat police asked them to close the shop, they abused, prevented the police constables from discharging the official duty and threatened with dire consequences. Both of the accused were arrested at 23.30 hrs. on 19.06.2020 by the investigation officer," the status report which is now part of the court order says.

Family members, however, put forward a differing version of events. Beniks' elder sister Persis told India Today about the events of June 19. She says, "My brother called me at around 7:50 PM on June 19 and as when I didn't answer his call, he called my younger sister and informed her about my father being arrested."

Eyewitnesses and close relatives who accompanied Beniks to the Sathankulam police station say that Jayaraj was taken into custody first. "Beniks went in and when he saw the police beat his father, he got emotional and tried to stop the police from beating his elderly father," Advocate Manimaran said. Manimaran is the same lawyer who tried for Jayaraj and Beniks' bail.

"Beniks rushed into the station and stopped the police from hitting his father. This led to a push and pull inside the station and this enraged the police as well. Soon after, we saw the friends of police volunteers bringing in washed lathis and immediately the door of the station was closed. We were some six-seven advocates outside the station. They closed the door and then started hitting them. We could hear the two screaming amma, ayya in pain," Advocate Venugopal, who was also there outside the police station that night added.

Venugopal claims, "The police volunteers stood on the feet of the two and kept hitting them. They were in so much pain."

### **Long night of pain**

Jayaraj's wife Selvarani has lost both the men in her life - her husband and son. Her life seems to have come to a halt. Every few minutes, she regains composure and says, "My son has been killed, an innocent life has gone, who is there for us now?"

Recalling the horrific details of the day when her life turned upside down, Selvarani remembers she did not get a phone call and instead heard about the arrests from one of Beniks' friends. She then rushed to the Sathankulam police station but was not allowed inside.

"The police station was locked and my son was thrashed, his cry - Amma Amma - could be heard in the entire street. All those who came to help him were all sent out of the station. They didn't even allow us to give food or medicine to them. My husband had sugar and those tablets were also not given."

On June 20, relatives of the father-son duo were asked to bring multiple fresh clothes. "There was blood all over the place where Beniks and his father were sitting," Advocate Manimaran says.

Selvarani adds, "We gave more than three sets of clothes to change and after that, the police told us not to give white dress they wanted coloured clothes. We gave rose pink and they wanted us to bring brighter colours. Many of those blood-stained clothes are still at home and many we threw away near the station itself."

"We had laid down a blanket in the seat of the vehicle, the car driver was in tears the place where Beniks was sitting was full of blood, the place where Beniks' father (Jayaraj) was sitting was all blood-soaked. The blankets are still with us," Advocate Manimaran told India Today.

The family wanted nothing more than the ordeal to be over.

"Whatever the police wrote and gave, my husband just signed and gave," Selvarani says.

Jayaraj's daughter Persis adds, "We were not going to go against the police or complaint against them, all that we wanted was my father and brother to come back home. We were only thinking of giving them the required treatment and helping them get back to life."

### **Lapse of judgement?**

Even the magistrate remanding the two to judicial custody has raised a lot of questions. Advocate Henri Tiphagne, a lawyer who specializes in human rights cases and Executive Director of People's Watch said, "The magistrate of Sathankulam did not care to meet the person before remanding them, didn't check if they were injured. The accused has to be produced before the magistrate and that was not done. The claim was made that this was a meeting through video conferencing and even in that case he was supposed to talk to them and then record their statement which was not done."

Once remanded, Jayaraj and Beniks were taken to the Kovilpatti sub-jail where a medical checkup revealed more about what might have happened on the previous night.

A doctor part of the Kovilpatti General Hospital, Dr Venkatesh was asked to examine the father-son duo. In his report, Dr Venkatesh clearly states that both of them had suffered injuries in the gluteal region. The report goes on to say that Beniks had suffered an injury to his right knee and x-ray of the same was to be conducted the following day.

However, Beniks' condition deteriorated and he had to be rushed to the Kovilpatti General Hospital where he died on June 22. Jayaraj was also admitted to the same hospital and succumbed to a respiratory illness on June 23, as per the preliminary report.

"A doctor checked them and if their condition was so bad, shouldn't they have been taken to the hospital rather than being kept in the sub-jail in custody. How did the doctor allow it?" Persis, Selvarani, and others have been asking since tragedy struck their family.

Persis continued, "Monday, we were told my brother died of a heart attack. He was a healthy person. My father who was a sugar patient, died the following day. How did both of them die within hours? Our biggest grief is that the two of them were in pain till their last breath."

### **Inside the morgue**

Three people - T Thaveed (Jayaraj's brother-in-law), Vinoth, Omsekar - went along with the Magistrate to see the two bodies which were kept at the Kovilpatti General Hospital for post-mortem.

Beniks body was examined first. And, the long heartbreaking ordeal for the kin began from observing the injuries on the body's feet. "There were bruises under the feet and as we progressed through the body there were bruises all over and in the buttocks region, there was no skin. And near the anus there bruises. There were marks in the right and left hands. When we had informed that they were injured in the rectum, they had spread his legs and found that there were two big bruise marks near the anus," Jayaraj's brother-in-law T Thaveed told India Today.

An examination was then conducted on Jayaram's body which led to the discovery of similar wounds and bruises. "Even if we would have got them in bail they wouldn't have survived those injuries," Thaveed claims. He has already given his statement to

the magistrate about everything right from the arrests to what he saw in the mortuary.

### **Systematic murder?**

This is not the first time third-degree treatment has been meted out to someone in police custody in Tamil Nadu. In the past, there have been several cases of individuals in custody fracturing their hands and legs after "slipping in toilets" inside police stations.

One of the most notable differences is that this time around, the ones who were punished were not criminals but merely ordinary citizens.

The state of Tamil Nadu accounted for 76 custodial deaths between April of 2017 and February 2018, according to the Asian Centre for Human Rights' report, India: Annual Report on Torture 2018.

### **Custodial deaths stir political storm**

The case has stirred a political storm in Tamil Nadu. Opposition leader and DMK chief MK Stalin said that his party will seek a CBI inquiry if the police fail to conduct a fair investigation. "What is worrisome is that the culprits are not booked for murder yet. The CM has in a statement said that they died of breathlessness and other medical condition when the family members allege that they were brutally put to death. TN government is shielding the culprits," DMK spokesperson A Saravanan said.

Meanwhile, Tamil Nadu Chief Minister Edappadi K Palaniswami said, "Kovilpatti magistrate has been made in-charge to oversee the post-mortem of Jayaraj and Beniks. Madurai bench of the Madras High Court is hearing the case as well. The state will act as per the court's order."

### **Compensation for family**

Jayaraj and Beniks' family which belongs to the dominant Nadar community have been assured a compensation of Rs 20 lakh by the state and the promise of a government job. Both the DMK and the AIADMK have promised Rs 25 lakhs as financial aid the family with the DMK even offering legal assistance if the need arises.

Arun Balagopalan, SP Thoothukudi, had told media outlets earlier that action has been initiated against two sub-inspectors and two constables have been suspended while the station inspector has been transferred. However, these actions are not enough for the people of the state.

"I am completely dependent on the judiciary. All the officials in that station must be severely punished. Suspension is not a punishment. This is dual death caused in a single family," a teary-eyed Persis told India Today.

Thoothukudi is yet to forget the deaths of the 13 people during the anti-Sterile protests that also left more than a hundred people who still live with the wounds they suffered when police opened fire at protestors.

Traders, who rushed to the aid of Jayaraj and Beniks' family, have echoed a single emotion - This tragedy should mark an end to custodial torture in Tamil Nadu.

<https://www.indiatoday.in/india/story/no-way-jayaraj-beniks-could-have-survived-with-those-wounds-says-kin-who-witnessed-post-mortem-1694706-2020-06-28>