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## **CUSTODIAL VIOLENCE AND STATE ACCOUNTABILITY: A CASE COMMENT OF RAJAKANNU V. STATE OF TAMIL NADU**

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**CITATION:** 1994-2-LW(Crl) 680

**BENCH:** P.S. Mishra and Shivaraj V. Patil, JJ

**JUDGEMENT:** 1 August 1984

### **INTRODUCTION:**

The case helped establish legal precedents with regards to custodial accountability, rights vested with the detainees and the proper understanding and interpretation of Article 14<sup>1</sup> and 21<sup>2</sup> of the Indian Constitution which is ‘equality before the law’ and ‘protection of life and personal liberty’. The case reiterated the necessity and power of Judicial intervention in validating fundamental rights. Historically, the marginalized communities of India such as tribal groups and dalit individuals have been constantly and disproportionately subjected to arbitrary arrests and custodial deaths without any access to justice. This failure of systems stems from staunch social hierarchy practices. This endemic nature of custodial torture unfortunately highlights that incidents like Rajakannu are not an isolated problem but part of a larger societal pattern.

The issues in this case were brought before the court by the filing of a Habeas Corpus petition by Rajakannu’s wife, Parvathi. Habeas Corpus which is recognized as a constitutional remedy under the Indian Constitution provides a mechanism to challenge the detention of any person who has a reason to believe that the detention is unlawful. In the present case the petition forced the judiciary to criticize the actions of the law enforcement officers and to address the allegations of custodial abuse compelling the state to take corrective action.

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<sup>1</sup> The Constitution of India, art.14

<sup>2</sup> The Constitution of India, art.21

The judgement in this case is particularly important as the High court not only ordered for the necessary criminal action against the responsible individuals but also directed the state to judicially compensate the victims.

### **FACTS OF THE CASE:**

Rajakannu, a daily wage labourer belonging to the Irular tribal community in Mudanai village of the Cuddalore district lived with his wife Parvathi and his extended family. On March 20, 1993 he was forcibly taken away from his home by police officials under the suspicion of theft. Witnesses including Parvathi observed and understood that he was physically healthy and showed no signs of any illness or hurt prior to the arrest. But later after when Parvathi visited the Kammapuram Police Station, Rajakannu was tied to a window and was brutally beaten for over several hours. Parvathi herself along with her children and relatives were also brought to the police station and were harassed and beaten in custody and when she demanded an explanation for the torture, she was driven out of the station.

The following day, when Parvathi came to enquire about her husband, police authorities claimed that Rajakannu escaped from the custody which was immediately understood to be unbelievable as Rajakannu's physical condition after the severe torture made it impossible. Parvathi, with the aim of seeking justice, hence filed the Habeus Corpus petition in the Madras High Court on March 23, 1993. The petition requested the court to produce her husband and understand his welfare.

Later investigation which was conducted by the Crime Branch of the CID followed and revealed that Rajakannu had died in the custody as a result of several internal injuries that were inflicted upon torture. The investigation also revealed that the police officials who were actively involved in the brutality tried to cover up the death and tampered the records. The tragic incident exemplified custodial abuse and highlighted the very dire need for immediate judicial intervention and a proper method of reform in police practices. This revelation formed the basis of the High Court's decision which treated this case not as a case of mere unlawful detention but as a case of serious violation of Right to life and dignity as provided under Article 21.

### **JUDICIAL PROCESS INVOLVED – ARGUMENTS, JUDGEMENT:**

Article 32 of the Indian constitution provides 5 types of writs as remedies and Habeus Corpus

is one of the five writs that is vested in the Supreme court jurisdiction and under Art.226<sup>3</sup> for the High Courts. The Madras High court took into consideration the petition and scheduled the hearings to determine the circumstance of the deceased's detention and escape as stated by the police. By moving this petition ahead, Parvathi sought not only to become aware of her missing husband's whereabouts but also to challenge the very legality of his arrest and continued custody.

When the petition arrived before the Madras High Court, the judges treated the matter with intense gravity. The court acknowledged the allegations of custodial violence very seriously and demanded for immediate action against it. The primary object placed before the court was to look into both sides of the arguments which were severely contradictory to each other as the petitioner's allegations were about Rajakannu being a victim of severe custodial brutality leading to his death and the police's narrative being Rajakannu's escape from the custody.

### **Investigation and evidence:**

Recognising the nature of these allegations and the aspect of authority bias, the high court to ensure unbiased and transparent investigation, handed over the matter to the Crime branch of CID. The CID began a thorough investigation by gathering eyewitness statements, examining of custody records and conducting forensic analysis on the post mortem findings.

The post mortem report later revealed to be a very important and decisive piece of evidence as it explicitly confirmed the presence of various external and internal injuries which were the ultimate results of continued physical assault. The report documented not just the physical markings from assault but also the internal trauma. The findings supported the petitioner's argument and weakened the police's narrative significantly as it was easily understood that Rajakannu's physical condition made it completely impossible to escape from the police custody. Hence, the medical evidences helped prove the guilt of police authorities beyond reasonable doubt.

The CID also uncovered deliberate falsification of official records. Registers were tampered with unwanted entries to make it look like Rajakannu's escape was planned. Statements from fellow detainees and other evidences time and again proved the efforts took by police officials

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<sup>3</sup> The Constitution of India, art.226

to hide the result of the brutality that Rajakannu was made to suffer by them. This showed a foolproof pattern of clear abuse of power.

### **Petitioner's arguments:**

Advocate Chandru who represented Parvathi argued that Rajakannu had been unlawfully detained and tortured which was violative of his fundamental right prescribed under Article 14 and 21. Article 21 in particular chalks out that the right to life and personal liberty is very important and that any deprivation of such right should be sufficiently explained by fair and reasonable procedure as established by law. Chandru emphasized the structural vulnerabilities of tribal communities due to the lack of access to legal remedy and the biases in law enforcement. The arguments also highlighted the Eyewitness testimony from Parvathi and other villagers which was directly in contradiction to the police's claims of Rajakannu's escape.

Advocate Chandru, heavily relied on the Supreme Court's landmark Judgement of **Nilabati Behera v. state of Orissa**<sup>4</sup> which clearly outlined that the aspect of monetary compensation being awarded in the writ jurisdiction when there is a clear indication of violation of fundamental rights particularly in the cases of custodial violence is a matter of duty. He further also cited the case of **Padmini v. state of Tamil Nadu**<sup>5</sup> which was another Madras High Court judgement that followed up on this principle.

### **Respondents' Arguments:**

The respondents argued that the petitioner's evidence is not satisfactory to prove the guilt of the police officials as the evidence submitted by the petitioners did not contain direct evidence of torture or eyewitness accounts from people within the police station and hence stated that liability could not be conclusively assigned. The police also argued that proper arrest procedures were followed. The court in evaluating both sides of the arguments heavily inclined towards the post mortem report and the eye witness testimony while concluded that the police's narrative was inconsistent and contradictory.

### **Judgement:**

The Madras High Court held unequivocally that Rajakannu's death was a clear case of custodial

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<sup>4</sup> (1993) 2 SCC 746

<sup>5</sup> 1993 SCC Online Mad 101

torture at the hands of police officials and hence it directed the State of Tamil Nadu to accordingly initiate the necessary criminal proceedings against the officers involved. Most importantly, the court also granted a monetary compensation of Rs.1,10,000 along with a Land that was to be assigned to her family for long term sustenance. Compensation was also awarded to other relatives including Parvathi's sister-in-law and her son who were also a victim of custodial torture.

The ruling emphasized the importance/ role of judiciary in acting as a guardian of fundamental rights specifically for the people belonging to vulnerable communities who often become powerless in front of the state machinery. By declaring Rajakannu's death as a custodial killing and by holding the police accountable, the court showed that the law does not tolerate the abuse of power.

### **IMPACT OF THE CASE:**

The judgement of the **Rajakannu v State of Tamil Nadu**<sup>6</sup> had great consequences as it went well beyond a mere aspect of compensating the victim. The judgement marked a very important stature of development to India's Constitutional jurisprudence with respect to custodial violence. The case reaffirmed the duty of state to protect its citizens fundamental rights and discoursed accountability. The impact was not jus in a legal sense but also in a social and cultural sense.

### **Reinforcement of Constitutional Safeguards:**

At its core, the case was all about the violation of Article 21, The fact that custodial violence lead to the death of Rajakannu was a direct indication of violation his right to life. The judgement also reiterated that Article 14 which guarantees equality before law was violated as Rajakannu belonging to a marginalized community called Irular tribe was treated arbitrariness.

Through the invoking of precedents such as Nilabati Behera<sup>7</sup> case, the court consolidated the doctrine that monetary compensation can be granted by the constitutional courts under writ jurisdiction as a form of remedy for violation of fundamental rights. This case thus placed

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<sup>6</sup> Supra at note.1

<sup>7</sup> Supra note.7

emphasis on this principle and strengthened the aspect of public law compensation ensuring victims of custodial deaths are given the reliefs necessary without any hassle.

### **Accountability of Police and State Responsibility:**

Another significant aspect of this case is that it placed a lot of importance on state accountability. The court gave the directions necessary for criminal action against the culprits while also holding the state liable for compensating the victims as necessary. This juncture of punishing the individuals for abuse of power while making things right for the victim by compensating is a very common practice ever since the eruption of this judgement. The law commission report has always placed a lot of importance on the need for an independent oversight body over the police stations, this is highlighted even more specifically in the 113<sup>th</sup> law commission report.<sup>8</sup>

The Court awarded a sum of Rs.1,10,000 along with a land for the purpose of long term sustenance, this is non inclusive of the compensation that was also awarded to the other family members who were victims of custodial violence. This act of awarding was seen as a gesture of the state taking accountability for the acts of its agent. The principle of the state awarding compensation for the acts of its agent is a principle that was again reiterated in the Supreme court ruling of **D.K Basu v. State of West Bengal**<sup>9</sup>, this case also laid down other necessary guidelines in instances of custodial violence.

### **Recognition of Marginalized Communities:**

The Madras High Court very precisely addressed the point of structural vulnerabilities of marginalized groups. By addressing these factors the court highlighted the intersection of social inequality and custodial abuse. This recognition also served as a message to organizations that work alongside the human rights commission to pay more attention towards the plight of individuals from socially vulnerable groups who become victims of custodial abuse. Upendra Baxi, has stated before that systematic custodial abuse is not a mere matter of irregularity but a symptom of deeper legal crisis where the ‘vulnerable lack meaningful access to justice’. <sup>10</sup>

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<sup>8</sup> Law Commission of India, “113th Report on Injuries in Police Custody” (August, 1985)

<sup>9</sup> (1997) 1 SCC 416

<sup>10</sup> Upendra Baxi, The Crisis of the Indian Legal System 56 (Vikas Publishing House, New Delhi, 1982)

### **Influence on later jurisprudence:**

The reliance on the case of Nilabati Behera helped in two perspectives. One being the principle of constitutional compensation to victims under original writ jurisdiction and the other being the shifting of burden of proof towards the agents of the state. Courts began applying the logic that in cases of custodial violence the burden shifts onto the authorities that deal with the custody of individuals to prove and explain the circumstances, this principle was later also affirmed in the case of **State of Madhya Pradesh v. Shyamsunder Trivedi**<sup>11</sup>.

### **CONCLUSION:**

This case holds a very important place in the evolution of Indian laws with relation to custodial abuse. What began as a habeas corpus petition transformed into a very key judgement that addressed not only the unlawful death of an innocent person but also the issue of abuse of power and absence of state accountability. The Madras High Court's involvement in this case shows that matters such as custodial torture is not a mere violation of law but a direct attack on one's fundamental rights which is usually guaranteed under the constitution and the courts being the protector of the fundamental rights has a duty to look into the matter ensure that there is no occurrence of gross injustice. The court in this case recognized how individuals of such socially vulnerable groups become victims to crimes that they never committed all because of the abuse of power by officials. As both amnesty international and the law commission has emphasized the continuous act of custodial torture calls for an immediate structural reform. In today's jurisprudence, various new cases with respect to custodial torture has arisen but this case of Rajakannu resonates as a reminder that the rule of law cannot work in harmony when there is presence of custodial brutality. It clearly pointed out that the judiciary must stop and question against the misuse of power ensuring that justice is not denied to any individual no matter their social standard or setting.

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<sup>11</sup> (1995) 4 SCC 262