
BEHIND BARS, BEYOND JUSTICE EXAMINING CUSTODIAL DEATHS AND LEGAL SAFEGUARDS IN INDIA

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INTRODUCTION

The sanctity of individual liberty and the right to life are the cornerstones of any democratic legal system. In the Indian context, Article 21 of the Constitution mandates that "no person shall be deprived of his life or personal liberty except according to procedure established by law." However, the phenomenon of custodial death, represents one of the most severe breaches of this fundamental right. It signifies an institutional breakdown of the "protective" role of the state, transforming the guardian of law into a perceived violator of human rights.

What is Custodial Death? In simple terms it is the demise of an individual who was arrested or detained and kept under the custody of a law enforcement authority or judicial authority is said to be custodial death.

The Law Commission has defined custodial death as follows:

"Custodial death is the death of a person in the custody of the police or other authorities, whether or not such death was caused by an act or omission of a public servant. It represents the ultimate failure of the state to protect a person whose liberty it has lawfully or unlawfully curtailed."¹

THE TUTICORIN CUSTODIAL DEATH CASE

The town of Sathankulam of Thoothukudi District situated in Tamil Nadu, in June 2020 witnessed a harrowing and gut-wrenching incident, involving a father and son; P. Jayraj (59 years old) and his son J. Benniks (31 years old). The father son duo ran a small mobile accessory store, the COVID-19 pandemic situation brought great hardship to many people across various sectors and one such sector is the small business owners who earned their bread

¹<https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022080849.pdf>

primarily through direct selling i.e. selling their goods/services through direct contact with their customers. The father son duo allegedly operated their store beyond the operating hours thereby violating the COVID-19 lockdown restrictions for which P.Jayaraj was taken into custody by the local police and his son Bennicks followed him to the station to enquire on 19th June 2020².

Eyewitness accounts indicate that both father and son were subjected to severe and inhumane beating and torture by the police officers at the Sathankulam Police Station from the evening of 19th June 2020 into the early hours of 20th June. Witnesses reported hearing screams emanating from the station and also later observed bloodstains on the walls and floor of the said police station, the said bloodstains have been confirmed to be that of the father and son by DNA analysis. It is also been reported that the father and son were stripped off of clothes during the torture³.

Eye-witnesses also later reported that the violence escalated when the Sub-Inspector, Raghu Ganesh, arrived. The chargesheet filed by the CBI would disclose that both father and son were beaten so badly that blood was splattered on the walls of the station. The father son duo were tortured for 7 long hours i.e. from 7:45 pm on 19th of June to 3:00 am, 20th June, the hands and legs of the deceased persons were held tightly together and prevented them from defending themselves and were beaten ruthlessly on their buttocks, back and other parts of the body with lathis, the same has been corroborated by the Judicial Magistrate's enquiry and the post mortem reports which state that the victims were subjected to extreme trauma in the gluteal and rectal areas. The victims suffered extensive soft tissue injuries in the pelvic and gluteal regions.⁴ One of the friends of Bennicks who waited by the station during the said event had helped the deceased persons change their lungis atleast 7 times as they were soaked in blood due to the internal hemorrhaging in the rectum, and both of them were also forced to clean the floor on which their blood was spilt.^{5 6}

Both eye-witnesses and the chargesheet disclose that the inspector used to nudge the other officers saying "why is there silence?" thereby instigating them to start fresh rounds of beating

² <https://www.thenewsminute.com/tamil-nadu/justice-jayaraj-fenix-bennix-timeline-two-shocking-custodial-deaths-tn-127424>

³ <https://encyclopedia.pub/entry/30151>

⁴ <https://www.indiatoday.in/india/story/tuticorin-custodial-deaths-father-son-jayaraj-bennicks-brutally-tortured-blood-walls-cbi-forensic-report-1735390-2020-10-27>

⁵ <https://sabrangindia.in/cbi-chargesheet-confirms-brutal-torture-jeyaraj-and-bennicks/#:~:text=The%20CBI%20chargesheet%20filed%20against,to%20several%20rounds%20of%20beatings.>

⁶ <https://www.moneycontrol.com/news/india/tamil-nadu-custodial-deaths-father-son-were-tortured-for-7-hours-made-to-clean-blood-says-cbi-6023301.html>

and torture. The following day, i.e. on 20th June, the father son duo were taken to the government hospital and were issued a medical certificate despite sustaining multiple injuries. Further, they were produced before the Sathankulam Magistrate D Saravanan. The Magistrate, without examining the accused persons i.e. Benniks and Jeyraj or speaking to them directly, and went ahead to order their remand without following the necessary protocols and also the guidelines as laid down by the DK Basu case. The father-son duo were then subsequently taken to the Kovilpatti sub jail, which is located 100 km away from Sathankulam.⁷

The local police i.e. Kovilpatti PS booked both the father and son under sections 188, 269, 294(b), 353, 506(2) of the Indian Penal Code in Crime No.312/2020. It was alleged by the Kovilpatti PS that Benniks, who was lodged in the sub jail for the above-mentioned crime as remand prisoner No.3635 at around 07:35 PM on 20.06.2020 complained of wheezing problem for which the jail superintendent had sent Benniks to the Government Hospital, Kovilpatti accompanied by a constable where he was examined and admitted. At about 09:00 PM, the duty doctor informed that the treatment had failed and that the prisoner had died. The unpleasant news was then intimated to Benniks' family. Accordingly, a complaint was registered in Kovilpatti PS to investigate the death of Benniks under section 176 (1A) (i) Cr.PC in Crime No. 649/2020. Furthermore, it was alleged by the local police that Benniks' father, Jeyeraj who also lodged in the same jail as remand prisoner No. 3636 on 22.06.2020 at around 10:20 PM complained of fever for which he was rushed to the same government hospital where he unfortunately passed away. A similar complaint was registered under section 176 (1-A) (i) Cr.PC in Crime No.650/2020 to investigate the death of Jeyeraj⁸. The death of these two innocent law-abiding citizens has stained the very fabric of our democracy and has eroded the trust the citizens of this country has placed in the very forces which exist to protect us.

The Hon'ble Madras High Court, in view of the above-mentioned facts and circumstances took suo motu cognizance of the matter vide *Suo Moto Writ Petition (MD) No.7042/2020* and ordered investigation of both cases by the CB CID⁹. The Hon'ble High Court of Madras, in an unprecedented move, created history by ordering the District Collector to take control of the police station and depute revenue officers to the station as the police personal were non-

⁷ <https://www.livelaw.in/columns/jeyaraj-bennix-custodial-deaths-questions-about-lapses-of-magistrate-in-ordering-remand-158998>

⁸ <https://cjp.org.in/wp-content/uploads/2020/12/Sathankulam-Case-Charge-Sheet.pdf>

⁹ <https://www.scconline.com/blog/post/2020/06/28/tn-custodial-deaths-madras-hc-passes-slew-of-directions-for-conducting-of-enquiry-by-the-judicial-magistrate-in-the-brutal-killing-of-father-son-duo/>

cooperative, hostile, and had attempted to destroy evidence. This instance has been reported as the first in Indian history of policing, where a district administration seized control of a police station¹⁰.

The CB CID arrested Inspector S. Sridhar who was the station house officer, Sub-Inspector K. Balakrishnan, Sub-Inspector P. Raghuganesh, Sub-Inspector A. Pauldurai, who later died on 10/08/2020, Head Constable S. Murugan, Head Constable A. Samadurai, PC M. Veilumuthu, PC Muthuraj, PC S. Chelladurai, PC X. Thomas Francis and filed a chargesheet on 26/09/2020 against all the accused persons under sections 120 B(Criminal Conspiracy) of I.P.C read with sections 302(Murder), 342(Wrongful Confinement), 201(Causing disappearance of evidence), 182(False information to a public servant), 193(Punishment for false evidence), 211(False charge of offense made with intent to injure), 218(Public servant framing incorrect record) & 34 (Common Intention).

During the inspection of scene of crime, that is the premises of Sathankulam Police Station, the Government Hospital of Sathankulam and Kovilpatti was conducted, and a rough sketch of maps were drawn by the CBI, relevant witnesses were examined which included family members of the deceased persons, their relatives, family friends who were privy to the of the deceased being picked up by the police, Medical officer and the assisting staff of the Sathankulam government hospital, Kovilpatti sub jail staff, co-prisoners, 3 other doctors of the medical board who conducted the autopsy of both the deceased persons. The accused persons were interrogated except of Sub-Inspector Pauldurai and Constable X. Thomas Francis due to their health condition. Furthermore, the material evidences such as blood stains collected from the walls of the lock up, toilet, SHO's room and the lathis used to torture the deceased and blood-stained clothes, DVRs, Mobile Phones and CCTV footages were seized and obtained. A controlled sample or reference sample was also collected from the mother of Benniks to corroborate the blood samples. The same was then sent for testing to the Central Forensic Science Laboratory and the CFSL report authored by Dr. B.K Mohapatra, CFSL, CBI, New Delhi clearly reveals that the deceased Jeyaraj and Benniks had been subjected to torture during which bleeding injuries were inflicted upon them. Head Constable S. Revathy must be applauded for her moral integrity and strength in playing a pivotal role by being a key eye-

¹⁰ <https://timesofindia.indiatimes.com/city/chennai/tamil-nadu-custodial-deaths-madras-high-court-orders-revenue-officials-to-take-control-of-sathankulam-police-station/articleshow/76686540.cms>

witness to the malfeasance committed by the police officers.

The main accusation that deceased Jeyaraj and Benniks had staged a protest, when they were instructed to close their shop after the permitted time limit in compliance of Covid-19 prohibitory order, is utter false and the police had fabricated a false case against deceased Jeyaraj and Benniks. Investigation by the CBI revealed that as per lockdown rules and the circular issued by the office of the District Magistrate, Thoothukudi, shops in Sathankulam market were allowed to remain opened till 8:00 PM. The Learned Judge of the trial court observed that since the entire incident took place around 07:30 PM, there exists no question of violating the Covid-19 restriction orders, consequently the accusation that both Jeyaraj and Benniks uttered obscene words against police and criminally intimidated police when they were instructed to close their shop, are all fabricated, false story, with an ill will of burying their sin of police brutality under the guise of judicial remand.

On 23rd March 2026, The First Additional District and Sessions Court in Madurai convicted the accused persons and later on 6th April 2026, Judge G Muthukumaran sentenced the said convicts in S.C No.470/2020. All nine convicts (one of the accused persons i.e. Sub-Inspector Pauldurai had passed away) were awarded a death sentence considering this case as one of the rarest of the rare case. The court cited a Tamil proverb which goes as follows: "**வேலியே பயிரை மேய்ந்தது போல**" (*Veliye payirai meindhadhu pola*) which translates to "The fence grazing the crops", which means to say that the very fence whose sole intention to protect the crops within it has grazed it. Similarly, the police force, whose primary objective is the protection of the citizens itself has become the threat. The accused persons were found guilty as per the following provisions of the Indian Penal Code:

Section 302 IPC Punishment for death sentence

Section 120 B IPC For Conspiracy

Section 201 IPC Destruction of Evidence

The perpetrators of this heinous and grotesque crime which is not only a crime against the fundamental rights guaranteed by this democratic nation but also against humanity are imprisoned for life and also liable to compensate the family of the victims. The court ordered

a sum of Rs.1,40,00,000/- Rupees One Crore Forty Lakhs as compensation.¹¹

THE D.K BASU GUIDELINES

The Hon'ble Supreme Court in *D.K Basu -v- State of West Bengal* (1997) laid down 11 commandments which serves as a structural protocol during arrests so as to preserve the rights of persons who are yet to be convicted and to prevent custodial deaths and other lockup violences like rape and torture.

The protocol is as follows:

1. Visible Identification and Interrogation Registers

The protocol begins with the physical identity of the state's representative. Every police officer involved in the arrest and interrogation must bear "accurate, visible, and clear" identification and name tags specifying their designation. Furthermore, the particulars of all personnel handling the interrogation must be meticulously recorded in a dedicated register. This requirement eliminates the anonymity that often facilitates custodial abuse.

2. The Memorandum of Arrest (The Arrest Memo)

The "Arrest Memo" is the most critical administrative document in the protocol. At the time of arrest, the officer must prepare a memo that records:

- The exact time and date of the arrest.
- The signature of at least one witness, who may be a family member of the arrestee or a respectable member of the locality where the arrest occurred.
- The countersignature of the arrestee, which serves as an acknowledgment of the circumstances of their detention.

3. The Right to Inform a Relative or Friend

One of the primary causes of custodial anxiety and disappearance is the isolation of the arrestee. The guidelines mandate that any person arrested is entitled to have one friend, relative, or

¹¹ <https://www.livelaw.in/articles/nine-policemen-sentenced-death-sathankulam-custodial-killings-530281>

person interested in their welfare informed of the arrest and the specific place of detention as soon as practicable. If the witness to the arrest memo is already a friend or relative, this requirement is deemed satisfied.

4. Notification for Out-of-District Arrests

When the friend or relative of the arrestee resides in a different district or town, the police face an additional burden. They must notify the designated person of the time, place of arrest, and venue of custody telegraphically through the District Legal Aid Organisation and the relevant police station within 8 to 12 hours of the arrest.

5. Proactive Disclosure of Rights

The burden of awareness is placed on the state. The moment a person is taken into custody, the police must inform them of their right to have someone notified of their arrest. This ensures that the arrestee's lack of legal knowledge does not preclude them from exercising their constitutional safeguards.

6. Custodial Diary Entries

Transparency is maintained through the "Station Diary." An entry must be made at the place of detention regarding the arrest, which must disclose the name of the "next friend" informed and the names/designations of the police officials who have actual custody of the arrestee.

7. The Inspection Memo (Physical Baseline)

If the arrestee requests it, they must be examined for any pre-existing injuries at the time of arrest. Injuries, whether major or minor must be recorded in an "Inspection Memo" signed by both the officer and the arrestee. A copy of this memo must be provided to the arrestee, creating a physical baseline that prevents the police from later claiming that custodial injuries were sustained prior to the arrest.

8. The 48-Hour Medical Examination

During the period of detention, the arrestee must undergo a medical examination by a trained doctor every 48 hours. This doctor must be selected from a panel of approved medical practitioners appointed by the Director of Health Services of the State or Union Territory. This

periodic monitoring is intended to detect early signs of physical or psychological torture.

9. Judicial Oversight via Document Submission

To ensure administrative protocols are not ignored, copies of all arrest-related documents (including the memo of arrest and inspection memo) must be sent to the jurisdictional Magistrate for their records. This creates a judicial record of the arrest that is independent of police files.

10. Conditional Access to Counsel

While the state has an interest in interrogation, the arrestee has a right to legal advice. The guidelines permit the arrestee to meet their lawyer during interrogation, although the Court clarified that this access need not be continuous throughout the entire duration of the questioning.

11. Police Control Rooms (The Public Window)

Every District and State headquarters must maintain a Police Control Room (PCR). The arresting officer is obligated to communicate information regarding the arrest and the place of custody to the PCR within 12 hours of the arrest. This information must be displayed on a "conspicuous notice board," making it accessible to the public and ensuring that the location of every detainee is a matter of public record.¹²

CONCLUSION

The persistence of custodial death in India remains a profound paradox. On one hand, the Indian legal system possesses a sophisticated architecture of safeguards, ranging from the constitutional mandate of Article 21 to the procedural rigor of the D.K. Basu guidelines. On the other hand, the harrowing accounts from Sathankulam serve as a stark reminder that statutes alone cannot protect the vulnerable when the culture of policing remains rooted in colonial-era coercion rather than democratic service.

Custodial death is not merely a failure of law enforcement; it is a failure of the state's fiduciary duty toward those in its absolute care. As long as "third-degree" methods are viewed as

¹² <https://delhipolice.gov.in/doc/standing-order/330.pdf>

administrative shortcuts rather than criminal acts, the sanctity of the judicial process remains compromised.

To move beyond justice that is reactive and delayed, the following technical and systemic shifts are imperative:

Ratification of UNCAT: India must formally ratify the United Nations Convention Against Torture to align its domestic standards with international human rights obligations.

Technological Oversight: The mandatory installation of high-definition CCTV systems in all areas of police stations, as directed by the Supreme Court in *Paramvir Singh Saini v. Baljit Singh*, must be enforced without exception.

Specialized Prosecution: Establishing independent agencies to investigate custodial crimes, ensuring that the "police do not investigate the police," is essential to maintain public trust.

Sensitization and Training: A paradigm shift is required in police training, moving from "confession-oriented" interrogation to forensic-led investigation.

In the final analysis, the measure of a civilization's justice system is not how it treats its most influential citizens, but how it protects those behind bars. The deaths of P. Jayraj and J. Benniks must not be viewed as isolated tragedies but as a catalyst for a long-overdue overhaul of custodial jurisprudence in India. Until the "procedure established by law" is matched by the "spirit of the law" on the ground, the promise of justice will remain as fiction for many. Justice must be seen to be done.