

28 inquiry commissions into Tamil Nadu's police firings, yet search for documents remains elusive

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A police personnel shoots at the protesters protesting against the copper smelting plant in Thoothukudi. (File photo | EPS)

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Express News Service

CHENNAI: On May 22, 2018, a Tamil Nadu police squad opened fire and killed 13 people protesting against the reopening of the Sterlite copper smelter in Thoothukudi. An inquiry commission was formed to investigate the killings, and a report was submitted by retired justice Aruna Jagadeesan. The contents of that report, however, continues to be a mystery.

A close relative of a victim of the police firing wonders how the report might have turned out. Uneducated and struggling to make ends meet, the relative, a Dalit living in a southern district of the State (exact location protected) goes about a daily grind, unable to escape the vacuum created by the killing of the family's breadwinner.

Similarly, Ezhil (name changed and gender protected), a relative of another victim of another police-firing incident in Tamil Nadu, holds back an avalanche of emotions while talking about her kin who was killed during the Paramakudi police firing on September 11, 2011. Seven persons were killed (six Dalits) and several others were injured that day.

Nearly a decade after the Paramakudi firing, the relatives, forced to settle for compensations, await justice and are kept in the dark about the findings of the report (Justice Sampath Commission) and the exact reasons behind the targeting of their relatives. The report was tabled in the State Legislative Assembly in October 2013.

Notably, the commission under retired justice K Sampath, constituted the same month to investigate the Paramakudi police firing, justified the action saying it was carried out in "self-defence" by police.

Excerpts of the report accessed by *The New Indian Express* reveals that Pasumalai, a lawyer practising in Paramakudi, had recorded his statements before the commission saying that no warning was issued before caning protesters.

The lawyer had also said the police did not follow the Supreme Court mandated procedures of using water cannon, firing rubber bullets, and firing warning shots in the air before opening fire on the unarmed agitators. However, the commission rejected his allegations saying video recordings unambiguously proved him wrong.

Immediately after the incident, People's Watch, a Madurai-based independent organisation, had deployed a fact-finding team to probe the incident. Its preliminary report had argued that the police firing was not preceded by the mandatory lathi-charge and use of teargas. It had said most injuries and bullets were found above the waist of the victims.

These relatives of those killed in Paramakudi and around three of the 13 killed in Thoothukudi firing belong to Dalit communities of southern Tamil Nadu. Most in these communities are day labourers and farmhands.

According to researchers and academicians, Tamil Nadu is regarded as a State that has set up the highest number of inquiry commissions, most of them on caste violence. But, not many of them, particularly the controversial ones, are accessible to the public. Despite crores of rupees of public money spent on producing the reports, people like Ezhil do not have easy access to these documents.

Rigmaroles to access reports

Madras Institute of Development Studies (MIDS) Professor C Lakshmanan said that Tamil Nadu, compared with other States, has set up the highest number of inquiry commissions on violence against Dalits, starting 1968, the year when Justice Ganapathy Pillai Commission was set up to investigate the Keezhvenmani massacre (A total of 44 Dalits, including women and children, were locked inside a hut and set on fire by upper-caste landlords in this incident).

Corroborating the claim, Evidence, a Madurai-based NGO, shared a list of inquiry commissions set up by both DMK and AIADMK governments since 1991. As many as 28 commissions headed by retired judges were set up to investigate various incidents, 14 of which involved alleged violence by police. Most outcomes of the commissions were predictable and in favour of the State, Prof Lakshmanan said.

The New Indian Express found that there are a series of rigmaroles to surpass if one has to access the reports from Tamil Nadu Archives, located in Chennai's Egmore. An official informed that the reports can be accessed only on approval from the Commissioner of Archives and Historical Research.

"If it is politically controversial, then one cannot access a document," the official said. To access the reports from the Secretariat Library (reference section), approval of the Legislative Assembly Speaker is mandatory.

A collection of research papers called 'Interrogating Enquiry Commission Reports on Caste Violence' published in 'Review of Development & Change' has shed light on lapses in four reports submitted by inquiry commissions set up by Tamil Nadu governments.

In one paper, *Illiberal State and the Myth of Civil Society*, a critical analysis of the Justice Sampath Commission report, University of Hyderabad's Sociology Department Professor R Thirunavukkarasu argued that the commission looked at the entire episode mostly from the prism of administrative apparatus.

"The everyday agony of the 'inferiorised and tortured' self of being a Dalit was effectively set aside," he argued, offering categorical rebuttals to several observations made by the commission. Prof. Lakshmanan complained that the reports are almost never critically examined and hardly any attempt is made to use them as vital source material for research and critical analysis.

Retired Madras High Court judge Krishnaswami Chandru said though a commission of inquiry has the power of a civil court, its reports are not binding on anyone. "An inquiry ordered under Commission of Inquiry Act, 1952, is an eyewash. The commission is a toothless tiger. Such commissions are appointed mostly to ward off public protest," Chandru said.

A Kathir, founder Evidence, an NGO fighting caste discrimination, sought to know the rationale behind the setting up inquiry commissions when governments participate in violence.

Speaking to *The New Indian Express*, Ezhil said that the governments' efforts to appease families of victims in such cases through cash compensations and government jobs is nothing compared to the magnitude of the loss. Ezhil still carries the wounds of her relative's death, which she believes was a "cold-blooded murder" by the State.

While it has been convenient for the State to term the "murder" as a measure to suppress the riots, Ezhil has not been able to come in terms with the tainted image of her relative. "People think I am ineligible for the government job I am given because I got it as compensation," Ezhil laments, pointing at the stigma she carries with her.

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