

Thoothukudi firing: A year after no FIR registered against cops, rights groups targeted

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Counterinterview Desk

People's Watch, a human rights organisation, in its new report, "A Year After Thoothukudi Burned", has said it is "surprised" by the silence of the National Human Rights Commission, the CBI and the Justice Aruna Jagadeesan Commission of inquiry over the police firing on peaceful protestors in Thoothukudi, Tamil Nadu, "brutally" killing 11.

Calling the report "an act of homage to the deceased families", human rights defender (HRD) Henri Tiphagne, executive director, People's Watch, says that it is an attempt to look into "what has happened in the past one year with victims' families in the different courts and tribunals and on the ground Thoothukudi." The civil rights group's team spent a week in Thoothukudi, "patiently listening to the travails, disappointments and the sufferings of over 40 different families" to come up with the report, he adds.

Excerpts:

It has been a year since the peaceful protestors in Thoothukudi were brutally killed. Eleven of them were killed at the Thoothukudi District Collectorate, four others in the streets of Thoothukudi by trigger happy Thoothukudi Police and a lady who died due to arson. May 22, 2018, marked the 100th day of peaceful demonstrations against the then proposed expansion of Vedanta's Sterlite Copper. The Government of Tamil Nadu appointed Justice Aruna Jagadeesan headed Commission of Inquiry continues to be in operation. The Central Bureau of Investigation (CBI) is also investigating the matter after the direction of the Madurai Bench of the Madras High Court on August 14, 2018. It is unfortunate that despite one year no one is held accountable for what happened in Thoothukudi on May 22. What is more disturbing is that there is no information if there is any action contemplated or initiated by the Government of Tamil Nadu against the senior

revenue and police officials in Thoothukudi. It did not register a single case related to May 22 events in Thoothukudi sent from People's Watch and groups closely associated with the on-ground interventions. Sterlite, despite its closure in Thoothukudi, cushioned by a well loaded public relation machinery and political backing, continues to advertise and promote itself through its 'Corporate Social Responsibility'.

Compensation

All the families have confirmed that they received the wholesome amount of compensation announced by the Government of Tamil Nadu. The Government of Tamil Nadu had sanctioned financial assistance of Rs 20 Lakh each for the family of deceased persons, Rs Five Lakh each for the severely injured and Rs 1.5 Lakh each for other injured persons.

Several of the family members of the deceased and those injured strongly expressed that compensation is no justice and at best is only an 'ex-gratia' payment to the victims and survivors of the horrifying acts of the State on May 22 and the following days paid from the Chief Minister's Relief Fund.

In addition to the compensation, the Government of Tamil Nadu also promised to provide employment to one of the family members of the deceased. All the families of the deceased, except two, confirmed that one of the family members was given a government employment. Out of the 14 person entitled to such government employments, 12 of them have been appointed as Thalayaris (village assistant).

A Thalayari assists the Village Administrative Officer (VAO) in the tasks and the monthly salary of Thalayari is said to be around Rs 12,000. This is lesser in rank than even a peon in government office. One of them is given the job of being an assistant to a government cook in Thoothukudi.

CBI inquiry

The Madurai Bench of Madras High Court ordered for inquiry by the Central Bureau of Investigation on August 14, 2018 into the incidents of police firing in Thoothukudi on May 22, 2018. The court ordered that the investigation should be complete by four months. Only after the transfer of this case, the harassment by police in Thoothukudi stopped.

‘The Day Tuticorin Burned’, a report by the People’s Inquest on Thoothukudi Police Firing with 2,400 pages and five volumes containing statements of families of deceased persons, injured persons, witnesses, medical documents, FIRs, findings from ground and recommendations were provided to the CBI team. The CBI team visited the violence affected areas. They have enquired only the officers who ordered firing on May 22, 2018, policemen on duty, families of the deceased and the injured persons. There is a general concern that the CBI team have not yet enquired enough number of people.

Though there were explicit directions from the court that the investigation should be completed within four months, it has been nine months until now and yet, the investigation is not complete yet. In the FIR registered by CBI, names of the policemen who were responsible were not mentioned and instead, there were two general FIRs registered.



There was a ray of hope among the citizens of Thoothukudi after the case was transferred to CBI. Yet after the CBI has started their investigation, the harassment of persons who were voicing their opinions against Sterlite were continuously harassed by police, which was not taken into cognizance by the CBI. These activities have totally left the people in despair who were hoping for justice through the CBI investigation.

Only the inspector of SIPCOT police station has been transferred while the rest of all the policemen and officers remain in the same posts and do not even face any enquiry until now. This does not add hope to the victims who are seeking justice. Though five months have passed after the time limit given by High Court for investigation, there is no clear picture on where the investigation is heading to. The steps taken by the Government to bring in normalcy and law and order situation under control has only ended in more human rights violations and there is now a huge distrust among the citizens of Thoothukudi against the police, district administration and the government.

NHRC role

The National Human Rights Commission (NHRC) has overlooked the issues which still exist and have prematurely closed this case without bringing justice to the victims. There has been no actions, prosecution or inquiry against the police officers and government officials on duty yet.

The Commission while putting the onus on the Judicial Commission formed by the Government of Tamil Nadu has failed to use its own powers under the Protection of Human Rights which is more wide and powerful than the Terms of Reference of the Judicial Commission appointed by the Government of Tamil Nadu. NHRC could have in this case also insisted for asking for details of the disciplinary action initiated against those senior officers whose command was responsible for the actions that followed leading to over 16 persons being killed and several hundred injured. Not a single police officer has even been suspended in this matter since May 22, 2018. Till date there is no FIR that names any police

personnel or officer responsible for the deaths that have occurred and the several hundred injured persons.

Despite serious concerns which still remain, and justice not been delivered to the victims and their families, the NHRC closed the case stating:

“Since adequate compensation has been paid to the victims and appropriate steps have been taken by the State Government to bring law and order situation under control, and the Judicial Commission is already looking into the angle of use of force/police excesses, if any, no further intervention in the matter is required. Report is taken on record and the case stands closed.”

An investigation was carried out in July, by the National Commission for Scheduled Case by its Vice-Chairman to look into the police firing in Thoothukudi which had claimed lives of four Dalit persons. The report of this investigation has not been made public yet and no actions or recommendations have been taken by the Commission. Though many children were tortured and illegally detained by the police in the violence between May 22-23, 2018 the National Commission for Protection of Child Rights (NCPCR) has not taken cognisance of the matter.

The Tamil Nadu State Commission for Protection of Child Rights (SCPCR) whose Hon’ble member had investigated into the issue and the SCPCR claimed to have submitted a report to the Government, the same has not made public as yet and the Government has not initiated any action on the recommendation known to the public for prosecuting those responsible for the violation.

The 30 juveniles who were kept in illegal detention and were subsequently also tortured were then released on orders of the Judicial Magistrate who searched the premises where they were detained.

Protests curtailed

After the police firing on May 22, 2018 the Tamil Nadu government ordered for closure of the Sterlite plant on May 28, 2018. As Sterlite

management was trying to reopen the plant, there were various protests in Thoothukudi for permanent closure of the plant by the public, movements and political parties. Most of these protests were denied permission by police and they also foisted false cases on the organisers and participants.

When no permission was given to any protest or meeting against Sterlite Industries and when people were also arrested for distributing pamphlets, no objections were they raised for the activities undertaken by Sterlite management to influence the public through their meetings, events and processions. This is the discriminatory attitude of the Thoothukudi administration.

On May 23, 2018, on the orders of the Tamil Nadu government, the Sterlite plant in Thoothukudi was closed. After the closure, stating the employees of Sterlite, protested against the closure that their livelihood was being affected. Sterlite management also claimed that many stakeholders were affected due to the closure. Yet, the majority public opinion was against Sterlite Industries. Hence, to change this public opinion, many activities were done by Sterlite. During the grievance hearing at the District Collectorate in Thoothukudi every week, many people were brought by the Sterlite management and were made to state that they support Sterlite and that the plant should be opened soon.

Various representatives claiming to be from lorry owner's association, contractual employee's association, contractor's association, public have met the District Collector at least once every week requesting opening of Sterlite plant.

The people who come to make representation in support of Sterlite Industries to the District Collector are paid Rs. 200 from reports in news reports. Those who have made representation before the District Collector, Ministers, Chief Minister, Prime Minister's Office have been direct or indirect beneficiaries of the CSR activities of Sterlite Industries.

This also affirms that the Sterlite management is behind these stage-managed incidents of stakeholders claiming to be affected due to closure of Sterlite Industries and hence asking for its resumption.

While this stage-managed representation made in favour of Sterlite receives support from government, those who make representations against Sterlite have been targeted and harassed by police. Administrators of WhatsApp group which discuss about Sterlite issues are threatened by police to remove contents against Sterlite. It can be clearly seen that the district administration and the police have been acting against the orders of High Court and have failed to ensure fundamental freedoms in Thoothukudi to all people equally. Thoothukudi being a multi-religious and multi-caste town and district it has been all the more difficult to maintain this delicate balance in membership and leadership in the movement and the momentum in the movement against Sterlite.

Those who have withstood the struggle after May 22, 2018, have been publicly accused to be 'people who have indulged in violence (vanmuraialargal), extremists (theevarvathigal) or terrorists (bayangaravathigal). The large number of omnibus FIRs that were registered were used generously to book anyone who belonged to any of the many 'anti- Sterlite' movements in the town and district.

<https://www.counterview.net/2019/05/thoothukudi-firing-year-after-no-fir.html>