

## Thoothukudi Firing Report Is a Test of Credibility for MK Stalin's Government

The CBI probe and the Justice Aruna Jagadeesan Commission of Inquiry have come up with opposite findings.

### [THE NEWS MINUTE](#)

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“The South Zone Inspector General, Deputy Inspector General of Nellai (Tirunelveli) range and all other officers who are involved should be booked for murder. They should be immediately suspended and action should be taken against them.” Clad in black shirt and after staging a dramatic walk out from the Tamil Nadu Assembly, this was the then Opposition party leader [MK Stalin's](#) statement on May 29 2018.

During his visit to [Thoothukudi](#) for the 2021 Tamil Nadu Assembly election campaign, MK Stalin went one step further and alleged that the AIADMK and BJP had links with the Sterlite Copper company. Four years later, as the Chief Minister of Tamil Nadu, MK Stalin is now in a position to implement what he had demanded then.

While justice for the victims of police firing in Thoothukudi is still a far cry, the Tamil Nadu government is now facing a dilemma as the court ordered CBI (Central Bureau of Investigation) investigation and the Justice Aruna Jagadeesan Commission of Inquiry set up by the Tamil Nadu government have come up with diametrically opposite findings.

Recently, Fronline published the crucial contents of the Justice Aruna Jagadeesan Commission of Inquiry report that probed the police firing incident in Thoothukudi, in which 14 people lost their lives in 2018. The Commission had submitted its final report to the Chief Minister of Tamil Nadu on May 18 2022.

### **Use of Excessive Legal Force by Police**

The damning report has indicted high-ranking police officials for use of excessive lethal force and lack of coordination, and has recommended criminal and departmental inquiry

against them. The leaked portions of the report reveal shocking details of what unfolded in Thoothukudi on May 22 and 23 2018. According to the report, the police [opened fire](#) on fleeing protesters. "Here is a case of police indulging in shooting from their hide-outs at the protesters who were far away from them," the report says, according to Frontline.

Human rights activists in the state welcomed the findings of the Commission that were leaked. Henri Tiphagne, Executive Director of People's Watch, said on Twitter, "Justice Aruna Jagadeesan Commission of Inquiry report is welcomed by People's Watch. The findings of the Commission published in Frontline this evening indicted 17 named police officers & IAS officers."

Justice Aruna Jagadeesan reportedly notes, "There is no material on record to show that it was only to deal with a militant crowd of protesters that the opening of fire was resorted to."

The report names top ranking police officials who were present on the spot and held them responsible for the firing. It notes that the police personnel "have certainly exceeded the limit," and has recommended that the Tamil Nadu government act against these officers.

On the other hand, the [Central Bureau of Investigation](#) (CBI) has charged only one inspector of police for the violence that erupted in Thoothukudi – while also including the names of 101 protesters.

### **CBI Pins Blame on Govt Machinery**

The CBI has summed up its investigations by blaming the government machinery for lack of coordination resulting in complete chaos. The chargesheet says, "When aggressive rioting mob started chasing police and pushed them inside collector office and tried to enter the collector office building, the police have little choice other than resorting to firing to control the raging mob." (sic)

The CBI found glaring lapses on the part of senior revenue administration officials, and the agency has also recommended departmental action against a few police officials for the lapses. It says, "The CBI investigation clearly shows that the acts of police in opening firing against the protesters were not pre-determined and the same was done only as a last resort to prevent any further untoward incidents, though the death of 13 persons in the police firing related incident was very unfortunate." (sic)

The sense prevailing on ground in Thoothukudi is that the police personnel who were accused of opening fire more or less got a clean chit from the central agency.

The findings of the CBI probe have disappointed the family members who lost their loved ones in the police firing. The victims' families and Anti-Sterlite Thoothukudi District People's Movement have rejected the CBI findings and demanded a re-investigation.

Now, with crucial portions of the Justice Aruna Jagadeesan commission report being out in the public domain, their hopes of action against the police for excesses have been renewed. Human rights activists have welcomed the findings of the report as it has fixed accountability, unlike the CBI probe which has accused the protesters of indulging in arson and violence.

And pressure is mounting on the [DMK](#)-led Tamil Nadu government to act. Not only activists, even DMK allies have demanded that the Tamil Nadu government accept the recommendations of the Commission of Inquiry and table the report in the Tamil Nadu Assembly.

## **Present Status of Accused Policemen**

The Commission of Inquiry has indicted high-ranking police officers, namely, the then Inspector General of Police (South Zone) Sailesh Kumar Yadav; Deputy Inspector General of Police (Tirunelveli Range) Kapil Kumar C Saratkar; Superintendent of police (Thoothukudi) P Mahenderan; Deputy SP Lingathirumaran; three inspectors; two Sub-Inspectors; one head constable; and seven constables.

Presently, Sailesh Kumar Yadav holds the post of Additional Director General of Police, Welfare; Kapil Kumar Saratkar is now posted as Additional Commissioner of Police, Traffic, Chennai; P Mahenderan is posted as the Deputy Commissioner of Police, Adyar, Chennai.

The then DSP Lingathirumaran and Thirumalai have been promoted as ADSP's, Thirumalai is currently serving in the Ramanathapuram district crime division, Inspectors Parthiban and Hariharan, Sub-Inspectors Rennes and Sowarnamani, constable Sudalai Kannu were all transferred out of Thoothukudi, and are posted at various places.

The seven other constables accused in this case are Raja, Shankar, Dakshinamoorthy, Raja Dilipan (the shooter in the yellow T-shirt), Satish Kumar, Kannan and Mathivanan. TNM was unable to individually verify their present status and their postings.

The officials named in the report must be immediately suspended from their posts, they should be arrested and given maximum punishment

## **Anti-Sterlite Thoothukudi District People's Movement**

The Anti-Sterlite Thoothukudi District People's Movement has put forth eight demands to the state government, one among them is seeking immediate action against officials named in Justice Aruna Jagadeesan report. "The officials named in the report must be immediately suspended from their posts, they should be arrested and given maximum punishment," the group has asked.

TNM spoke to [Madras High Court](#) senior advocate M Radhakrishnan and he says that the Commission of Inquiry findings are recommendatory in nature and the government is free to accept or reject them.

"The government can accept the findings and order a departmental inquiry against the officers indicted by the commission. The government can also choose to partly accept the findings of the report, or they can reject the findings of the commission altogether. In this case, the matter has already been investigated by the CBI and a chargesheet has been filed. So, there can't be two FIRs for the same crime," Radhakrishnan says.

## **Ball is Now in Stalin's Court**

Tamil Nadu Law Minister S Regupathy says that the commission's report has been sent to the concerned departments to take appropriate action against the officials, and consultations are underway with legal experts too. While the Justice Aruna Jagadeesan Commission report exposes the previous AIADMK regime, the ball is now in MK Stalin's court.

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