

CBI has lost its independence in probing Thoothukudi Sterlite police firing case, says Madras High Court

Justices S.S. Sundar and N. Senthilkumar say the investigating agency's failure in bringing to book the real culprits is attributable to influence or something more serious

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The Madras High Court on Monday lamented that the Central Bureau of Investigation (CBI), touted as the premier investigating agency in the country, had miserably failed in bringing to book the real culprits in the 2018 Thoothukudi police firing, in which 13 anti-Sterlite protesters were shot dead.



A Division Bench of Justices S.S. Sundar and N. Senthilkumar said a charge sheet filed by the CBI against just one Inspector of police for the loss of 13 civilian lives could only lead to a prima facie conclusion that the investigating agency was resourceful and talented but “not independent.”

The judges wrote that a report submitted by the CBI before a Chief Judicial Magistrate in Madurai indicated “serious lapses and total non-application of mind apart from being ignorant of admitted facts, important events, and the findings recorded in the report of the Justice Aruna Jagadeesan Commission of Inquiry (Col).”

The Bench recorded with pain that the death of 13 persons in the police firing had been “taken very casually in order to serve the interests of a few people.” Stating that most of the victims had bullet entry wounds on their back, the judges said, it only proved that unarmed and fleeing protesters were targeted and fired upon.

The judges also said there was no plausible explanation as to how a 100-day long peaceful protest against the copper smelter plant turned violent suddenly, forcing the police to open fire by considering the protesters to be the “enemies of the State.”

The Bench also said: “The protesters were unarmed and the victims of the firing were innocent public who never indulged in violence. Yet, a prohibitory order under Section 144 of the Code of Criminal Procedure had been promulgated in Thoothukudi at the instigation of Sterlite Copper.”

‘Lack of credibility’

The judges said the Col’s report as well as the submissions made by human rights activist Henri Tiphagne before them against the abrupt closure of his complaint by the National Human Rights Commission pointed towards “lack of credibility and application of mind by the officials of the CBI.”

The CBI had ignored “several incidents and factual events connected to the protests. Its report (before the Madurai CJM) does not reflect truth or independence. The failure of its mission is attributable to influence or something more serious,” the Division Bench observed.

The judges said at least a few police and revenue officials, owing allegiance to Sterlite, appeared to have been frustrated by the 2018 protests. Therefore, it was necessary to probe the assets accumulated by them and their family members two years before and after the police firing, they added.

Since the Director of Vigilance and Anti Corruption sought three months time to collect those details , the judges accepted the request and granted the time. “Our endeavour is to ensure that such a heartless incident should never recur in the history of Tamil Nadu,” Justice Sundar said before winding up the hearing on Monday.

<https://www.thehindu.com/news/national/tamil-nadu/cbi-has-lost-its-independence-in-probing-thoothukudi-sterlite-police-firing-case-says-madras-high-court/article68460614.ece>